CITY COUNCIL MEETING
AGENDA - VERSION 1
July 11, 2011
7:30 PM

POLE HEARING
7:15 PM
3 New Street – POLE MOVE AND CONDUIT

---

1. **OPENING PRAYER**

2. **PLEDGE OF ALLEGIANCE**

3. **CALL TO ORDER**

4. **LATE FILE ITEMS**

5. **PUBLIC COMMENT**

CONSENT AGENDA

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

6. **APPROVAL OF MINUTES**
   June 27, 2011 (Approve)

7. **COMMUNICATIONS**
   1. Block Party Request, Dove Street, August 6, 2011 (Approve)
   2. Letter for Essex St. Inn Visitor Parking (P&D)
   3. Letter for Waterside "Community Gam" on August 14, 2011 (R&F)
   4. Intermunicipal Agreement Newburyport and Newbury (B&F)

8. **APPOINTMENTS**

Re-Appointment

1. Margaret Welch 82 Curzon Mill Rd Community Preservation Act Com April 1, 2014

END OF CONSENT AGENDA

REGULAR AGENDA

9. **TRANSFERS**
   1. Police Dept. Officer OT $5,281.98 to Admin Asst $65.52, to Clerical $66.04, to Custodian $60.09, to Court $2,232.10, to Maint. Bldg $183.90, to Off Supplies $136.50 (Approve)
   2. Fire Dept. Injured on Duty $2,927.93 to Deputy Salary $419.00, Firefighter Holiday $508.47, Firefighter Overtime $2,000.00 (Approve)
   3. Fire Dept. Fire Alarm $1,000.00 to Firefighter OT $1,000.00 (Approve))
   4. Fire Dept. Ed Expenses $1,500.00 to Firefighter OT $1,500.00 (Approve))

5. Fire Dept. Computer Exp $1,000.00 to Firefighter OT $1,000.00 (Approve)
6. Fire Dept. Veh. Maintenance $1,000.00 to Firefighter OT $1,000.00 (Approve)
7. Health-Sal. Dog Control Off. $6,300.00 to Fire Dept. Firefighter OT $6,300.00 (Approve)
8. Health-Reg Health Serv. Rev. Fd $10,142.05 to Mayor City Hall Rev Fd $10,142.05 (B&F)
9. Mayor Treasure Staff Sal. $6,736.18 to Grant Writer $250.00, Ch.32B PT support $6,468.20, Bd of Registrars Elect/Reg $17.98 (Approve)
10. DPS-Sewer Div West End Easement $159,690.12 to Sewer CIP West End Easement $159,690.12 (B&F)
11. DPS-Sewer Operations Mgr $2,459.52 to Sewer City Engineer $2,459.52 (Approve)
12. DPS Highway Div Sidewalks $74,495 to Maint/Repair Roads & Sidewalks $74,495 (Approve)
13. Veterans/Police/Fire Veterans Bens $7169.34 to Police Sal Officers $5,250, to Fire Dispatcher Salary $1,919.34 (Approve)

10. APPOINTMENTS – 2nd Reading

Re-Appointment

2. Thomas T. Lyons	8 Oak Street	Council on Aging	May 31, 2016
3. Kevin Hunt	14 Tenth Street	Director of Veteran's Services	April 30, 2012
4. David Zinck	6 Laurel Road	Electrical Inspector	January 1, 2012
5. Douglas A. Muir	10 Hancock Street	Conservation Commission	May 1, 2014
6. Robert Dow	185 Storey Ave.	Harbor Commission	May 1, 2014
7. James Knapp	129 Merrimac St.#10	Harbor Commission	May 1, 2014
8. Jane Donovan	6 Orange Street	Commission on Disability	March 1, 2014
9. Paul Dahn	343 High Street	Planning Board	June 1, 2016

Appointment

10. Brian Brunault	83 Gardner St., W. Newbury	Special Police Officer	
11. Edward Rice	39 Unicorn Circle	Special Police Officer	
12. Laurie F. Christiansen	33 Purchase Street	Trust Fund Commission	June 1, 2014
13. Richard O'Leary	552 High St., Hampton, NH	Ass't Harbor Master	June 15, 2014
14. Richard Cummings	7 Jewett St., Georgetown	Ass't Harbor Master	June 15, 2014
15. James D. O'Brien	8 67th Street	Conservation Commission	June 1, 2014

11. ORDERS

1. Order Community Preservation Fund appropriations
2. Order IT Plan Bond
3. Order Bresnahan School Bond rev.
4. Order Nock Molin School Bond rev.

12. ORDINANCES

1. Amend Ordinance 13-180 Parking Resident Green, Pleasant, Washington Streets

13. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Mayor Green Initiatives REV APPR ($20,000) to Mayor-CHMM **11/29/2010*
2. Mayor Cap. Improve Stab Fd toGen Admin-Phone System ($140,914.74) **03/14/2011*
3. Mayor Worker's Comp $14,450.95 to Police-Commun. Equip $14,450.95 **06/27/2011*
4. Mayor Budget Contingency $2,000 to Police-Communications Equip $2,000 **06/27/2011*

General Government
In Committee

1. Atmospheric Pollution Ordinance **02/08/2010*
2. Proposed Special Act Water & Sewer Commission **01/10/2011*
3. Proposed Charter on Ballot for November 8, 2011 Municipal Election **05/09/2011*
4. Campaign Finance Reports-Municipal Forms posting on City Website **05/09/2011*
5. Union Contract posting on City Website **05/09/2011*

Joint Education
In Committee:

License & Permits
In Committee:

1. Cars Port Taxi rate increase request (5/31/2011)

Neighborhoods & City Services
In Committee:

1. Newburyport Tree Ordinance **07/22/2010*
2. Delete Ordinance entitled Traffic & Motor Vehicles Sec.13-30 **02/28/2011*
3. Amend Ch.8 Sec. 8-83 Solid Waste Regulations **05/31/2011*
4. Amend Ch.8 Sec. 8-90 Solid Waste Recycling Collection **05/31/2011*
5. Amend Ch.3 Sec. 3-26 Animals Dogs Leash Required **05/31/2011*
6. Amend Ch.3 Sec. 3-28 Animals Dogs Nuisances **05/31/2011*
7. Amend Ch.3 Sec. 3-30 Animals Dogs Certain Dogs to be Muzzled **05/31/2011*

Planning & Development
In Committee:

1. Residential Handicap Parking Ordinance **01/11/2010*
2. Atmospheric Pollution Ordinance **02/08/2010*
3. Green Communities Order **03/29/2010*
4. Zoning Ord – Sec II Definitions/Sec VI Dimensional Contr **06/28/2010*
5. Newburyport Tree Ordinance **07/22/2010*
6. Letter to designate Matthews Court at Inn Street Mall **05/31/2011*

Public Safety
In Committee:

1. Residential Handicap Parking Ordinance **01/11/2010*
2. Amend Sec. 13-86 Water St. (25mph) State to Federal **05/09/2011*
3. St. Paul's Church request to restrict parking on Summer Street entrance **05/31/2011*

Public Utilities Committee
In Committee:

1. Letter regarding Pole at 114 High Street **5/31/2011*

Rules Committee
In Committee:

14. GOOD OF THE ORDER

15. ADJOURNMENT

Questions contact David Hodson 781-907-3511

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

2011 JUN 14 A 10:34

North Andover, Massachusetts

To the City Council of Newburyport, Massachusetts

Massachusetts Electric Company, D/B/A NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

New St
Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – New St
#9388092 June 2, 2011

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

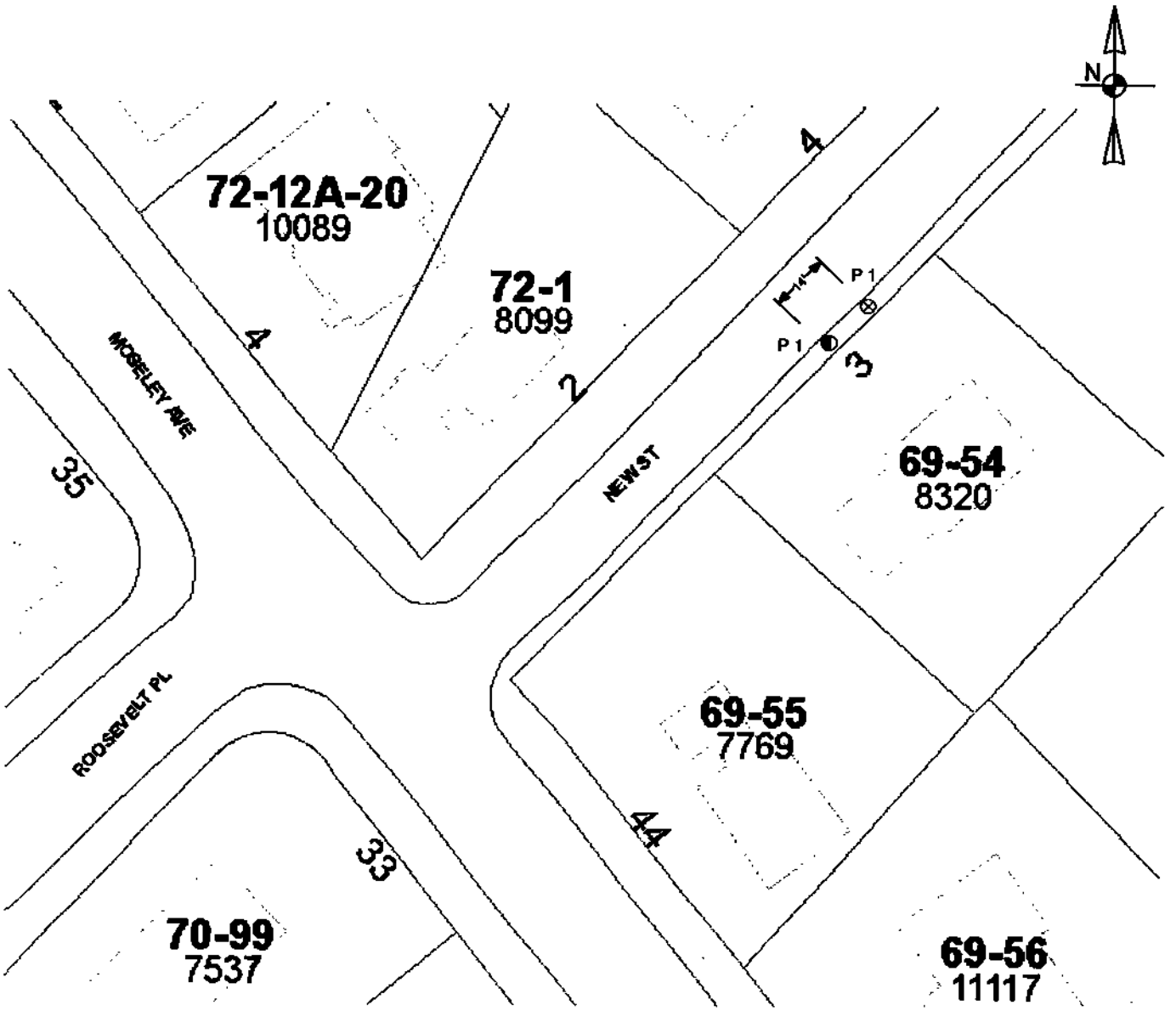
Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID
BY Doreen Alhandon
Engineering Department

VERIZON NEW ENGLAND, INC.
BY Robert E. Brasier
Manager / Right of Way

Questions contact David Hodson 781- 907- 3511

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS



ELECTRIC DISTRIBUTION CONSTRUCTION PETITION

LEGEND

⊗ Pole to be Removed

◐ Proposed J/O Pole

DRAWING NOT TO SCALE. DISTANCES ARE APPROXIMATE.

nationalgrid
And
Verizon New England, Inc.

Newburyport, MA
WR # 9388092

Date: 09/21/2010 **Drawn By: Brian Sweeney**

To the Town of Newburyport, MA

Sketch to Accompany Petition for:

The relocation of Pole 1 approximately 14' south on New ST, Newburyport, MA.

City

To the City Council of Newburyport, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:
that NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 2nd day of June 2011

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

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – New St Newburyport Ma
9388092 Dated June 2, 2011 filed with this order
There may be attached to said poles by NATIONAL GRID and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The relocation of Pole 1 Approximately 14' south on New St Newburyport Ma.

As shown on plan attached.

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

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

City/Town Clerk.

Massachusetts 20 .

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

Attest:
City/Town Clerk

I hereby certify that on 20 . at o'clock, M
at a public hearing was held on the petition of
NATIONAL GRID and VERIZON NEW ENGLAND, INC.

City of Newburyport

Office of the Assessor

Daniel Raycroft
City Assessor

Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950

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

www.cityofnewburyport.com

June 20, 2011

TO: Richard Jones, City Clerk

FROM: Board of Assessors

RE: 3 New Street – Relocate pole approximately 14 feet south on New Street

---

The attached are the abutters to the above described location:

69/ 53/ / /
LINTERIS STEVEN
LINTERIS SONIA T/E
19 CUSHING AVE
NEWBURYPORT, MA 01950

69/ 54/ / /
SWITZER MICHAEL B
JESSICA M T/E
3 NEW ST
NEWBURYPORT, MA 01950

69/ 55/ / /
LONEGAN MARY-BETH
11 MEADOW LN
BREWSTER, NY 10509

72/ 1/ / /
WORTH MARSHALL P JR
LYNDA J. T/E
2 NEW ST COR MOSELEY
NEWBURYPORT, MA 01950

72/ 2/ / /
ALLEN BROCK
JEANNE MARIE T/E
4 NEW ST
NEWBURYPORT, MA 01950

CITY OF NEWBURYPORT
MASSACHUSETTS
CITY CLERK'S OFFICE
NEWBURYPORT CITY HALL
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
TEL: 978-465-4407 • FAX: 978-462-7936

RICHARD B. JONES
CITY CLERK

June 21, 2011

Dear Property Owner:

Notice is hereby given that a public hearing will be held on the petition of Massachusetts Electric Company. D/B/A National Grid and Verizon New England Inc for the relocation of 1 pole approximately 14' south on New Street. Said hearing will be held on Monday, July 11, 2011 at 7:15 pm in the City Council Chamber, City Hall, Newburyport, MA. At that time, all interested parties will have an opportunity to be heard.

A copy of the plan is enclosed.

Sincerely,

Tricia E. Barker
Assistant City Clerk

CONSENT AGENDA

CITY COUNCIL MEETING
MINUTES - June 27, 2011

Council President O'Brien called the meeting to order at 7:34 pm and asked for a moment of silence and reflection for Margaret Hertz, David Gray and Councillor Connell's father John M. Connell, Jr. and brother John M. Connell, III, followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Derrivan, Earls, Heartquist, Herzog, Ives, Jones and O'Brien. Councillor Hutcheson absent.

LATE FILE ITEMS

Transfer # 15,#16, #17, #18, #19, Version 2 of Order #3, Version 2 of Agenda, Communication #4

Motion to suspend the rules to allow late file items by Councillor Jones, seconded by Councillor Cameron. 10 yes, 1 absent (Hutcheson). So voted.

PUBLIC COMMENT –

1. James O'Brien, 8 67th Street, Con Comm Position
2. Chris Skiba, 234 High Street, Feasibility Study Schools
3. Mark Wright, 325 High Street, Feasibility Study
4. Jack Ronan, 21 Ferry Road, Feasibility Study
5. Eric Metzdorf, 17 55th Street, School Bonds
6. Fran Munroe, 7 Christopher Street, COA
7. Tom Lyons, 8 Oak Street, COA

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.

1. APPROVAL OF MINUTES

June 13, 2011 (Approve)

2. TRANSFERS

1. DPS-Water WaterMain Replacement Program ($59,626.51) to CIP-Water Main Replacement Program ($59,626.51) (B&F)
2. DPS-Water Water-modification of DPS building ($350,000) to Water-CIP-DPS building project ($350,000) (B&F)
3. DPS-Sewer Sewer Little River Flood ($41,182.43) to Sewer-CIP Flood Study ($41,182.43) (B&F
4. DPS-Sewer Sewer replc usts & generators ($124,837.88) to Sewer-CIP replace generators ($124,837.88) (B&F)
5. DPS-Sewer Sewer modification of DPS building ($250,000) to Sewer-CIP building project ($250,000) (B&F)
6. DPS-Water Paint Rawson Hill ($185,763.05) to CIP – tank maintenance ($185,763.05) (B&F)
7. DPS-Water Paint Rawson Hill ($150,000) to CIP – tank maintenance ($150,000) (B&F)
8. DPS-Water Water Tank Maintenance ($450,000) to CIP – Water tank maint ($450,000) (B&F)
9. Health Dept. Solid Waste Fee ($2,160) to Chipper Service ($2,160) (Approve)
10. City Auditor –RSV APPR-City Hall Fees ($10,534) to City Hall Revolving Fund ($10,534) (B&F
11. Treasurer/Collector Payroll Exp ($1,200) to Bank Charges ($1,200) (Approve)
12. Treasurer/Collector Tax Title Exp ($2,258) to Tax Bills ($2,258) (Approve)
13. Treasurer/Collector Copy Machine ($1,500) to Tax Bills ($1,500) (Approve)

14. Police Dept. Officer Paid Holiday ($21,537.03) to Administrative Secretary ($857.71), to Part time Dispatch ($801.40), to Officer Night Differential ($1,453.86), to Fuel/oil Vehicles ($10,788.78), to Maintenance of Building ($2,500), to Other/Misc Supplies ($200), to Heat ($600), to Electricity ($535.28), to Maintenance of Vehicles ($3,800) (B&F)
15. Fire Dept. Firefighter Salary ($1,638) to Firefighter Overtime ($1,638) (Approve)
16. Fire Dept. Firefighter Holiday ($2,600) to Firefighter Overtime ($2,600) (Approve)
17. Fire Dept. Haz Mat ($5,250) to Firefighter Overtime ($5,250) (Approve)
18. Fire Dept. Clothing ($3,148) to Firefighter Overtime ($3,148) (Approve)
19. Fire Dept. Dispatch Salary ($1,920) to Firefighter Overtime ($1,920) (Approve)
20. Fire Dept. Zero Sick Day Usage ($1,066) to Firefighter Overtime ($1,066) (Approve)
21. Fire Dept. Heat/Electricity ($6,000) to Firefighter Overtime ($6,000) (Approve)

Motion to remove Transfers 1-21 from the Consent Agenda by Councillor O'Brien.

3. COMMUNICATIONS

1. Exchange Club Market Square use on July 2, 3, 4th (Approve)
2. Newbury Elem School PTA 2nd Annual Scavenger Hunt October 1, 2011 (Approve)

Motion to remove the Consent Agenda by Councillor Herzog.

3. Newburyport Chamber Music Festival performance on Inn Street August 16, 2011 (Approve)

4. APPOINTMENTS

Re-Appointment

1. Thomas T. Lyons	8 Oak Street	Council on Aging	May 31, 2016
2. Kevin Hunt	14 Tenth Street	Director of Veteran's Services	April 30, 2012
3. David Zinck	6 Laurel Road	Electrical Inspector	January 1, 2012

Motion to remove from the Consent Agenda by Councillor Earls.

4. Douglas A. Muir	10 Hancock Street	Conservation Commission	May 1, 2014
5. Robert Dow	185 Storey Ave.	Harbor Commission	May 1, 2014
6. James Knapp	129 Merrimac St.#10	Harbor Commission	May 1, 2014
7. Jane Donovan	6 Orange Street	Commission on Disability	March 1, 2014
8. Paul Dahn	343 High Street	Planning Board	June 1, 2016

Appointment

9. Brian Brunault	83 Gardner St., W. Newbury	Special Police Officer	
10. Edward Rice	39 Unicorn Circle	Special Police Officer	
11. Laurie F. Christiansen	33 Purchase Street	Trust Fund Commission	June 1, 2014
12. Richard O'Leary	552 High St., Hampton, NH	Ass't Harbor Master	June 15, 2014
13. Richard Cummings	7 Jewett St., Georgetown	Ass't Harbor Master	June 15, 2014
14. James D. O'Brien	8 67th Street	Conservation Commission	June 1, 2014

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

END OF CONSENT AGENDA

REGULAR AGENDA

5. TRANSFERS

1. DPS-Water WaterMain Replacement Program ($59,626.51) to CIP-Water Main Replacement Program ($59,626.51) (B&F)
2. DPS-Water Water-modification of DPS building ($350,000) to Water-CIP-DPS building project ($350,000) (B&F)

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

3. DPS-Sewer Sewer Little River Flood ($41,182.43) to Sewer-CIP Flood Study ($41,182.43) (B&F
4. DPS-Sewer Sewer replc usts & generators ($124,837.88) to Sewer-CIP replace generators ($124,837.88) (B&F)
5. DPS-Sewer Sewer modification of DPS building ($250,000) to Sewer-CIP building project ($250,000) (B&F)

Motion to take 3, 4, 5 collectively by Councillor Jones, seconded by Councillor Earls. Motion to approve by Councillor Jones, seconded by Councillor Earls. 10 yes, 1 absent (Hutcheson). So voted.

6. DPS-Water Paint Rawson Hill ($185,763.05) to CIP – tank maintenance ($185,763.05) (B&F)
7. DPS-Water Paint Rawson Hill ($150,000) to CIP – tank maintenance ($150,000) (B&F)
8. DPS-Water Water Tank Maintenance ($450,000) to CIP – Water tank maint ($450,000) (B&F)

Motion to take 6, 7, 8 collectively by Councillor Earls, seconded by Councillor Cameron. Motion to approve by Councillor Cameron, seconded by Councillor Earls. 10 yes, 1 absent (Hutcheson). So voted.

9. Health Dept. Solid Waste Fee ($2,160) to Chipper Service ($2,160) (Approve)

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

10. City Auditor –RSV APPR-City Hall Fees ($10,534) to City Hall Revolving Fund ($10,534) (B&F)

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

11. Treasurer/Collector Payroll Exp ($1,200) to Bank Charges ($1,200) (Approve)

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

12. Treasurer/Collector Tax Title Exp ($2,258) to Tax Bills ($2,258) (Approve)
13. Treasurer/Collector Copy Machine ($1,500) to Tax Bills ($1,500) (Approve)

Motion to take 12, 13 collectively by Councillor Herzog, seconded by Councillor Connell. Motion to approve by Councillor Derrivan, seconded by Councillor Herzog. 10 yes,1 absent(Hutcheson).So voted.

14. Police Dept. Officer Paid Holiday ($21,537.03) to Administrative Secretary ($857.71), to Part time Dispatch ($801.40), to Officer Night Differential ($1,453.86), to Fuel/oil Vehicles ($10,788.78), to Maintenance of Building ($2,500), to Other/Misc Supplies ($200), to Heat ($600), to Electricity ($535.28), to Maintenance of Vehicles ($3,800) (B&F)

Motion to refer to Budget & Finance by Councillor Earls, seconded by Councillor Jones. Voice Vote Fails. Motion to approve by Councillor Cronin, seconded by Councillor Connell. 9 yes, 1 no (Earls), 1 absent (Hutcheson). So voted.

15. Fire Dept. Firefighter Salary ($1,638) to Firefighter Overtime ($1,638) (Approve)
16. Fire Dept. Firefighter Holiday ($2,600) to Firefighter Overtime ($2,600) (Approve)
17. Fire Dept. Haz Mat ($5,250) to Firefighter Overtime ($5,250) (Approve)
18. Fire Dept. Clothing ($3,148) to Firefighter Overtime ($3,148) (Approve)
19. Fire Dept. Dispatch Salary ($1,920) to Firefighter Overtime ($1,920) (Approve)
20. Fire Dept. Zero Sick Day Usage ($1,066) to Firefighter Overtime ($1,066) (Approve)
21. Fire Dept. Heat/Electricity ($6,000) to Firefighter Overtime ($6,000) (Approve)

Motion to take 15 to 21 collectively by Councillor Jones, seconded by Councillor Cameron. Motion to approve by Councillor Derrivan, seconded by Councillor Herzog. 8 yes, 2 no (Cameron, Jones), 1 absent, (Hutcheson). So voted.

6. COMMUNICATIONS

2. Newbury Elem School PTA 2nd Annual Scavenger Hunt October 1, 2011 (Approve)

Motion to Receive and File by Councillor Herzog, seconded by Councillor Earls. 10 yes, 1 absent (Hutcheson). So voted. Clerk's office to inform PTA not to affix items to public buildings.

4. Late File – Newburyport Labor Day Festival, Sept. 3, 4, 5, 2011

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

7. APPOINTMENTS

Re-Appointment - 2nd Reading

15. Beverly MacBurnie	3 Magnolia Street	Atkinson Common Commission	March 31, 2014
16. Dr. Robin Blair	18 Market St.	Board of Health	March 31, 2014

Motion to take 15 to 16 collectively by Councillor Connell, seconded by Councillor Cameron. Motion to approve by Councillor Connell, seconded by Councillor Cameron. 10 yes, 1 absent, (Hutcheson). So voted.

Appointments

3. David Zinck	6 Laurel Road	Electrical Inspector	January 1, 2012

Motion to approve on first reading by Councillor Earls, seconded by Councillor Herzog. 10 yes, 1 absent (Hutcheson). So voted.

8. ORDERS

1. Revolving Fund – Recreational Services
2. Revolving Fund – Newburyport Middle Sch Drop-In-Center
3. Revolving Fund – Gas Inspector
4. Revolving Fund – Plumbing Inspector
5. Revolving Fund – Electrical Inspector
6. Revolving Fund – Historical Commission Revolving Fund
7. Revolving Fund – Planning & Zoning
8. Revolving Fund - Geographic Information Systems
9. Revolving Fund – Engineering Services
10. Revolving Fund – Commission on Disabilities
11. Revolving Fund – Council on Aging
12. Revolving Fund – Medicare/Medicaid
13. Revolving Fund – Animal Control
14. Revolving Fund – Transient Vendors, Hawkers and Peddlers
15. Revolving Fund – South End Branch Library
16. Revolving Fund – Veterans
17. Revolving Fund – City Hall
18. Revolving Fund – Downtown Paid Parking

Motion to take 1 to 18 collectively by Councillor Jones, seconded by Councillor Cameron. Motion to approve by Councillor Derrivan, seconded by Councillor Cameron. 10 yes, 1 absent, (Hutcheson). So voted.

9. ORDINANCES

10. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Mayor Green Initiatives REV APPR ($20,000) to Mayor-CHMM **11/29/2010*
2. Mayor Cap. Improve Stab Fd toGen Admin-Phone System ($140,914.74) **03/14/2011*
3. Police Dept. Salary Paid Holidays $14,500 to Fuel/Vehicles $14,500 **06/13/2011*

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

4. DPS-Sewer Maint. Equip. $4,500.00 to DPS-Sewer Fuel/Oil $4,500.00 **06/13/2011*

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

5. Mayor Worker's Comp $16,422.85 to Mayor-Sal Dir Pol & Admin $5,077.73, to Gen.Admin.-Sal. Custodian $150.62, to Auditor-Sal. Admin. Asst. $1,022.40, to Auditor Longevity $44.61, to City Clerk-PT Office Help $3,136.40, to Parks Commission $904.00, Planning-Sal. Proj. Mgr. $587.09, to Planning-Sal.Director $5,500.00 **06/13/2011*

Motion to remove by Councillor Cameron, seconded by Councillor Derrivan. Motion to approve by Councillor Cameron, seconded by Councillor Derrivan. 10 yes, 1 absent, (Hutcheson). So voted. Motion to take the Planning-Sal Director separately by Councillor Cameron, seconded by Councillor Derrivan. Motion to approve the Planning-Sal Director by Councillor Cameron, seconded by Councillor Derrivan. On a roll call vote 3 yes (Cameron, Connell, Earls), 7 no, 1 absent, (Hutcheson). So voted. Motion fails.

6. Mayor/Police Free Cash $168,259.90 to DPS Snow and Ice-Labor $38,499.45, to DPS Snow and Ice-Services $129,760.45 **06/13/2011*
7. Mayor/Police Ins Grp 32-B City $100,000 to DOS Snow and Ice-Svcs $100,000 **06/13/2011*

Motion to remove 6 & 7 collectively by Councillor Cameron, seconded by Councillor Derrivan. Motion to approve by Councillor Cameron, seconded by Councillor Derrivan. 10 yes, 1 absent, (Hutcheson). So voted.

8. Mayor Worker's Comp $14,450.95 to Police-Commun. Equip $14,450.95 **06/13/2011*
9. Mayor Budget Contingency $2,000 to Police-Communications Equip $2,000 **06/13/2011*

Motion to remove 8 & 9 collectively by Councillor Cameron, seconded by Councillor Derrivan. Motion to approve by Councillor Cameron, seconded by Councillor Derrivan. Withdrawn. Motion to Table by Councillor Jones, seconded by Councillor Cameron. 9 yes, 1, no (O'Brien), 1 absent, (Hutcheson). Motion to Reconsider by Councillor Jones, seconded by Councillor Cameron. 9 yes, 1, no (O'Brien), 1 absent, (Hutcheson). Motion to Refer to Budget & Finance by Councillor Connell, seconded by Councillor Cronin. 9 yes, 1, no (O'Brien), 1 absent, (Hutcheson). So voted.

10. Order Bresnahan School Bond rev. **06/13/2011*

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

11. Order Nock Molin School Bond rev. **06/13/2011*

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

5 Minute Recess at 8:17pm
Reconvene at 8:22pm

General Government
In Committee

1. Atmospheric Pollution Ordinance **02/08/2010*
2. Proposed Special Act Water & Sewer Commission **01/10/2011*
3. Proposed Charter on Ballot for November 8, 2011 Municipal Election **05/09/2011*
4. Campaign Finance Reports-Municipal Forms posting on City Website **05/09/2011*
5. Union Contract posting on City Website **05/09/2011*

Joint Education
In Committee:

License & Permits

In Committee:

1. Cars Port Taxi rate increase request ** 05/31/2011*
2. Annun. Greek Orthodox Church, A-frame sign during Yankee Homecoming **06/13/2011*

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

Neighborhoods & City Services

Councillor Herzog announced the next meeting will be July 13 at 7pm.

In Committee:

1. Newburyport Tree Ordinance **07/22/2010*
2. Delete Ordinance entitled Traffic & Motor Vehicles Sec.13-30 **02/28/2011*
3. Amend Ch.8 Sec. 8-83 Solid Waste Regulations **05/31/2011*
4. Amend Ch.8 Sec. 8-90 Solid Waste Recycling Collection **05/31/2011*
5. Amend Ch.3 Sec. 3-26 Animals Dogs Leash Required **05/31/2011*
6. Amend Ch.3 Sec. 3-28 Animals Dogs Nuisances **05/31/2011*
7. Amend Ch.3 Sec. 3-30 Animals Dogs Certain Dogs to be Muzzled **05/31/2011*

Planning & Development

In Committee:

1. Residential Handicap Parking Ordinance **01/11/2010*
2. Atmospheric Pollution Ordinance **02/08/2010*
3. Green Communities Order **03/29/2010*
4. Zoning Ord – Sec II Definitions/Sec VI Dimensional Contr **06/28/2010*
5. Newburyport Tree Ordinance **07/22/2010*
6. Letter to designate Matthews Court at Inn Street Mall **05/31/2011*

Public Safety

In Committee:

1. Residential Handicap Parking Ordinance **01/11/2010*
2. Amend Sec. 13-86 Water St. (25mph) State to Federal **05/09/2011*
3. St. Paul's Church request to restrict parking on Summer Street entrance **05/31/2011*
4. Amend Ch.13 Sec. 13-31 Traffic and Motor Vehicles Admin. Reserved **06/13/2011*
5. Amend Ch.13 Sec. 13-26 Traffic and Motor Veh. Admin. Enforcement **06/13/2011*

Public Utilities Committee

Councillor O'Connor Ives gave an update on the National Grid site on Water Street.

In Committee:

1. Letter regarding Pole at 114 High Street **05/31/2011*

Rules Committee

In Committee:

12. GOOD OF THE ORDER

13. ADJOURNMENT

Motion to adjourn by Councillor Derrivan seconded by Councillor Cameron at 9:03pm. 10 yes, 1 absent, (Hutcheson). So voted.

COMMUNICATIONS

Communication #1
July 11, 2011

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA

2011 JUL -5 A 10: 11

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: 7/1

CONTACT INFORMATION

FIRST AND LAST NAME: [redacted] Melissa Duncan

MAILING ADDRESS: 14 Dove St, Newburyport

PHONE NUMBER: 978.499.9736

E-MAIL ADDRESS: djdener@msn.com

BLOCK PARTY INFORMATION

BLOCK PARTY DATE: Aug. 6, 2011 RL

DESIRED STREET CLOSING LOCATION: Dove St (runs from Monroe to Merrimac)
Please indicate cross streets when requesting the closing of street sections

STREET TO BE BARRICADED: Dove St. b/w Monroe & Merrimac

DESIRED STREET CLOSING TIME: [redacted] 5-10 pm RLR
Block Parties should run no later than 10:00 p.m. (4 Stevens Ct)

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 Melissa Duncan Date 7/1/11

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHALL PICR, Lt Siemusiko
4 Green Street

FIRE CHIEF Dep SHR 7/1/11
Greenleaf Street

DEPUTY DIRECTOR Allen Frost
1 Perry Way

CITY CLERK
60 Pleasant St.

City use only:

Approved_____-Denied_____Date_____

Communication #2
July 11, 2011

BLATMAN, BOBROWSKI & MEAD, LLC
ATTORNEYS AT LAW
50 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
Phone: 978-371-2226
Fax: 978-371-2296

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA
2011 JUL -5 A 11:10

By Hand

July 5, 2011

Thomas F. O'Brien, President
City Council
City Hall
60 Pleasant Street
Newburyport, Massachusetts 01950

Re: Essex Street Inn
Petition to Allow Visitor Parking Permits for Guests

Dear Mr. O'Brien and Members of the Council:

Reference is made to the above-cited matter. In that connection, I represent Ron Guertin, innkeeper at the Essex Street Inn in Newburyport. The Inn is located at 7 Essex Street in historic, downtown Newburyport, and has provided accommodations to City visitors since the mid- to late-1800s. The Guertin family purchased the Inn in the early-2000s, and operates its thirty-seven (37) guest rooms, conference center and exercise facility. The Inn is a fixture in Newburyport, and is a vital part of the City's economy. That is especially so today, with the tourist season upon us.

Of late, the City's enforcement of the two-hour parking limit along the entire length of Essex Street, see the Code of Ordinances, § 13-175, has caused difficulties for Mr. Guertin's guests, who are often unable to find parking in close vicinity to the Inn. Only twenty-four (24) off-street parking spaces are available for the Inn's guests. With a need for one (1) parking space per guest room, see the Zoning Ordinance, § VII-B, and thirty-seven (37) rooms in the Inn as aforesaid, thirteen (13) on-street parking spaces are required to satisfy the Inn's demand. Absent the issuance of permit(s) to Mr. Guertin for the use of said, on-street parking spaces by guests of the Inn, insufficient parking will be available to the Inn, deterring potential guests and causing the Guertin family financial hardship. Because guests also generate revenue for other establishments in downtown Newburyport, the City as a whole suffers.

Under Section 13-180(f) of the Code of Ordinances, visitor parking permits may be issued, exempting visitors from otherwise-applicable parking limits in residential parking permit zones. Essex Street is situated in a residential parking permit zone. See Code of Ordinances, § 13-180(g)(1). The City Clerk, acting as the Parking Clerk, is authorized to

issue "one portable visitor parking permit placard per household," to be used "while visitors are. . . visiting the household to which the permits are issued." See Code of Ordinances, § 13-180(f). That said, Mr. Guertin acknowledges that the Ordinance does not explicitly reference the issuance of visitor parking permits to guests of inns or other lodging houses. Yet it does not preclude them, nor does it suggest that the City Clerk is not allowed to issue them. To the contrary, the City Clerk is vested with the discretion to determine whether an applicant "qualifies under the provisions of. . . [S]ection 13-180 for a residential parking permit," see Code of Ordinances, § 13-180(c)(4), and presumably with the same discretion to issue a visitor parking permit to a qualified applicant. That said, confirmation from the Council that the desired permits may be issued by the City Clerk will surely be of assistance to him.

On Mr. Guertin's behalf, I am hereby requesting that the Council verify that the City Clerk is authorized to issue up to thirteen (13) visitor parking permits to the Essex Street Inn, for its guests. While Section 13-180(f) of the Code of Ordinances allows for one such permit per household, it might be said that each "guest room" in the Inn operates as a "household" of its own. Also, the issuance of visitor parking permits for use by guests of the Inn is consistent with Section 13-180A of the Code of Ordinances, recently adopted, which authorizes annual parking permits for residents of *and employees of businesses and other establishments in* the downtown Newburyport area. Said Section 13-180A exempts the referenced residents and employees from the hourly parking fees charged for use of the City's parking lots, upon application for an annual parking permit, payment of a required fee and receipt thereof. The City Clerk is entrusted with effecting Section 13-180A, pursuant to regulations to be promulgated by him. If the Council concedes that guests of the Essex Street Inn should be afforded the same privilege as employees of downtown businesses and other establishments, Mr. Guertin will pay the same, reasonable fee charged for annual permits under Section 13-180A, without objection.

Of course, notwithstanding the above, it is Mr. Guertin's intention to submit a petition and/or to support an effort to amend the Code of Ordinances so as to explicitly allow guests of inns and other lodging houses to use on-street parking in excess of those limitations applicable thereto, if and when necessary. However, with the tourist season already at its peak, urgent action is required to permit on-street parking by Inn guests immediately.

Kindly address the foregoing request at the Council's July 11, 2011 meeting, and notify me of the Council's action with respect to the same. Thank you in advance for your consideration, and for your anticipated understanding and cooperation. Meanwhile, should you have any questions or concerns, please do not hesitate to contact my associate, Adam Costa, at (978) 371-2226.

Sincerely,

Lisa L. Mead

LLM/ajc
cc: R. Jones, City Clerk (via e-mail only)
R. Guertin (via first-class mail only)

Communication #3
July 11, 2011

TO: Newburyport City Council President Thomas O'Brien
Newburyport City Council

OFFICE OF THE CITY CLERK NEWBURYPORT, MA
2011 JUL -5 A 11: 22

C/O: City Clerk Richard Jones
60 Pleasant Street
Newburyport, MA 01950
(Submitted electronically for Tuesday, July 5, 4 p.m. deadline, for consideration as a potential communications item for Monday, July 11 City Council meeting.)

FROM: Forwarded "in a Motion of Comity" by the Committee of Correspondence (Comity, so called) noted below

SUBJECT: Communication item to: 1) preview of upcoming community event(s) to initiate any appropriate approvals by City Council for use of public ways and places (on land and water), if necessary and 2) to instigate interest in the broader plans mentioned in the tandem communication (informal electronic exchange in advance of cover letter)

DATE: July 5, 2011

With permission granted by the Newburyport Waterfront Trust to hold the Waterside "community gam" at Market Landing Park on Sunday, August 14 (*) ---

In advance for further planning, initiation and promotion --- **it may be prudent to review preliminary plans with the city, particularly the City Council** vis-à-vis any inconsequential use of public ways and places under its own purview ---

[And in tandem, we shall revisit plans with the Mayor's Office before engagement of the Harbormaster for incidental use of space under his jurisdiction (i.e., intermediate landing/docking of small craft such as two dories in the embayment area). And please rest assured that those involved with this facet of the "gam" are excellent sailors, rowers and mariners, so this is not a layperson's/landlubber's whim.]

To properly initiate the process and determine whether permission is in fact required, **please consider this memorandum as a communication item for the upcoming July 11 City Council meeting agenda. (**)**

Further revisions to the Comity.org website will also be posted with the Full Buck Moon (July 15 – 16) --- refining plans in motion during that timeframe (including the [pro]Motion of Comity with the Newburyport Labor Day Weekend Festival. ***)

We also hope to engage the City Council about relevant (and related) "matters and things" (some of which addressed in the tandem email) which will put this event into context. In the interim, **should you have any further questions about this request** (beyond the information found on page 2 of this correspondence) **please feel free to contact the undersigned.**

Thank you in advance for your consideration.

Forwarded in a Motion of Comity ---

The Committee of Correspondence (Comity, so called) "in ye name of ye rest" (****)

The Dears, Ken and Dominique (Correspondents in this accordance)
(Contact: email comity@comcast.net)

Footnotes:

* Referring to **the application for use of public lands held by the Newburyport Waterfront Trust which was unanimously approved by the trustees at the Monday, June 11 meeting**: further information is detailed in Comity's application for use **(submitted electronically as [pdf] attachment).**

** **Aside from the aforementioned Newburyport Waterfront Trust property, any use of public ways and spaces on August 14 will be transient and/or within the confines of law and city ordinances.** This request similar to the previous request for use of public spaces (e.g., made October 20, 2009 for New Year's Eve events)--- which resulted in the City Council's Public Safety standing committee **concluding that no formal application would be necessary; an opinion upheld by City Council President** for the Waterside community gam planned for August 22, 2010.

While conceivably such use (e.g., of Market Square and Inn Street and downtown) is a matter of right, we sense that it is a common courtesy to engage the Council in advance to ensure full accordance with this interpretation (in this particular case). (Ward 3 Councillor Cronin, who also chairs the Public Safety standing committee, has and will be contacted for advice and direction --- which City Council President had encouraged since discussion of long-range plans in motion on the first full City Council meeting held Monday, January 11, 2010, as well as directly engaging councillors about participation or to supply further information.)

*** Since the onset, plans for the Waterside community "gam" on Sunday, August 14, communication and coordination has been sought with both the superintendent and mayor and OPD staff. Broader engagement and promotion (including flyers, posters and coverage in local print and broadcast media) shall begin with the Full Buck Moon (July 15 – 16) and in earnest before and during Yankee Homecoming (two weeks in advance of the New Sturgeon Moon of August 13 – 14). Further noting that permission for use of public places for this year's **Newburyport Labor Day Weekend Festival was approved by the City Council on June 27** thus allowing engagement of participants to ensue. With plans to coordinate either a TBD rain date and/or further "gamming" (and such) during the Labor Day festival and other "synergy" that might take place --- this communication seeks to avoid any confusion about for use of "time" and "space" during cross-promotion of these public events.

**** Insight about these terms can be found on this Comity.org website hyperlink, summarized as follows:

"In the early 18th Century records of the Waterside Third Parish of Newbury in the Massachusetts Bay Colony, the word committee was commonly spelled Comity. This word, with its provincial spelling, also defines the basic tenet of the Waterside people's 1763 petition (to set off the parish as the separate town of town of Newburyport --- a deed officially ratified under the colonial governor's seal on February 4, 1764) ---

"[...] Comity chose not to form as an organized group but to remain a "committee of correspondence" for the Waterside movement --- intent on reawakening the Spirit of Community with a "Sense of Place" and a "Sense of Purpose" using both words and deeds.

"[...] Indeed, the organic movement's timeless (and tireless) agenda was laid out by the Waterside people's 1763 petition. Thus and so, in every sense (and tense) --- all generations who help form the Waterside community of Newburyport remain members of this continuous movement ~ in a Motion of Comity."

The assigned "Comity" (often two or three individuals) would present the correspondence and reports (to the General Court or community at large) --- with the signatories appending the phrase "in ye name of ye rest" --- to indicate the broader citizenry involved in the preparation (or endorsement) of the report, proposal or appeal.

Communication #4
July 11, 2011

CITY OF NEWBURYPORT, MASSACHUSETTS
Donna D. Holaday, Mayor

Office of the Mayor
60 Pleasant Street
Newburyport, MA 01950
Phone: 978-465-4413 • Fax: 978-465-4402

2011 JUL -6 A 11: 39
RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA

To: President & Members of the City Council

From: Donna D. Holaday, Mayor

Date: July 6, 2011

Re: Shared Services Agreement with the Town of Newbury

In response to the City Council's recommendation to explore opportunities to fund the conservation function, I am pleased to report that the City was able to agree to terms with the Town of Newbury to share conservation services for Plum Island. As you are well aware, the vast majority of Newburyport's conservation permits and issues arise from Plum Island. Conservation matters on the island are unique and often specific to Plum Island and as a result acquiring the knowledge and skill set to address them requires a certain level of expertise. Mr. Doug Packer, Newbury Conservation Agent has does extraordinary work in attending to matters on Plum Island on behalf of the Town of Newbury. His work has been recognized by not only public officials, but from residents of both Newbury and Newburyport.

Through the execution of the agreement and by an affirmative vote of both the Newburyport City Council and Newbury Board of Selectmen, Doug will begin work as Newburyport's Plum Island Conservation Agent. Doug will work under the direction of the Director of Planning & Development. Andrew Port, Director of Planning & Development will continue to work with the Commission to address conservation issues off of the island. The duration of the agreement is one year and both communities have agreed to evaluate its success and explore possibilities of expanding the agreement prior to its expiration.

AGREEMENT

THIS AGREEMENT is entered into by and between the City of Newburyport and the Town of Newbury (hereafter referred to collectively as the "Municipalities") this 12th day of July 2011, as follows:

WHEREAS, the Municipalities desire to share the services and costs of a common Conservation Agent and,

WHEREAS, the Town of Newbury is willing and capable of providing the services of a Conservation Agent for Plum Island, Newburyport, MA.

WHEREAS, each of the Municipalities has authority to enter into this Agreement pursuant to G.L. c. 40, s 4A;

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2011 JUL -6 A 11:09

NOW, THEREFORE, the Municipalities, in mutual consideration of the covenants contained herein, intending to be legally bound, agree under seal as follows:

1. Term. The term of this Agreement shall commence on July 12, 2011and shall expire on June 30, 2012, unless earlier terminated as set forth herein. On or before January 1st of each year during the Term of this Agreement, the Municipalities shall review the contractual relationship, the terms of which are set forth herein, to ensure that the Agreement continues to meet the needs of each community. The Municipalities agree to evaluate the agreement and decide whether a renewal is appropriate.

2. Identity of Douglas E. Packer . The Municipalities shall share the services and the City of Newburyport agrees to offset the costs of the incumbent Douglas E. Packer of the Town of Newbury.

3. Duties. During the Term of this Agreement, Douglas E. Packer shall perform the services as described in Exhibit A: Plum Island Conservation Agent attached and incorporated herein, which may be amended from time to time by mutual written agreement of the Municipalities.

4. Fee Structure and Payment. The Town of Newbury shall submit an invoice to the City of Newburyport at the conclusion of the first quarter of the fiscal year and the City of Newburyport shall make full payment by December 31, 2011 based on the fee structure described in Exhibit B: FEE STRUCTURE attached and incorporated herein.

5. Supervision of the Douglas E. Packer: Douglas E. Packer will report to the Director of Planning & Development.

6. Indemnification. In accordance with the final sentence of G.L. c. 40, s 4A, the Town of Newbury shall indemnify and hold harmless the City of Newburyport and each and all of its officials, officers, employees, agents, servants and representatives from and against any

claim arising from or in connection with the performance by the Douglas E. Packer of his/her duties in or for the City of Newburyport including, without limitation, any claim of liability, loss, damages, costs and expenses for personal injury or damage to real or personal property by reason of any negligent act or omission or intentional misconduct by the Douglas E. Packer while in or performing services for the City of Newburyport.

7. Termination. Either Town/City, by vote of its Board of Selectmen and/or City Council, may terminate this Agreement upon the provision of at least thirty (30) days prior written notice to the other Town. Upon such termination, the Town of Newbury shall prepare a full statement of outstanding unpaid financial obligations under this Agreement and present the same to the City of Newburyport for payment within thirty (30) days thereafter. No such termination shall affect any obligation of indemnification that may have arisen hereunder prior to such termination.

8. Financial Reports and Records. The Town of Newbury shall maintain separate, accurate and comprehensive records of all services performed for the City of Newburyport, and all reimbursements and contributions received from the City of Newburyport. The Town of Newbury shall issue an audited financial report for each fiscal year to the City of Newburyport by March 30th of each year.

9. Assignment. None of the Municipalities shall assign or transfer any of its rights or interests in or to this Agreement, or delegate any of its obligations hereunder, without the prior written consent of all of the other Municipalities.

10. Amendment. This Agreement may be amended only by a writing signed by all Municipalities duly authorized thereunto.

11. Severability. If any provision of this Agreement is held by a court of appropriate jurisdiction to be invalid, illegal or unenforceable, or if any such term is so held when applied to any particular circumstance, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement, or affect the application of such provision to any other circumstances, and the remaining provisions hereof shall not be affected and shall remain in full force and effect.

12. Governing Law. This Agreement shall be governed by, construed, and enforced in accordance with the laws of the Commonwealth of Massachusetts.

13. Headings. The paragraph headings herein are for convenience only, are no part of this Agreement and shall not affect the interpretation of this Agreement.

14. Notices. Any notice permitted or required hereunder to be given or served on any Municipality shall be in writing signed in the name of or on behalf of the Municipality giving or serving the same. Notice shall be deemed to have been received at the time of actual receipt of any hand delivery or three (3) business days after the date of any properly addressed notice sent by mail as set forth below:

Tracy Blais, Town Administrator
Town of Newbury
25 High Road
Newbury, MA 01950

Donna D. Holaday, Mayor
City of Newburyport
60 Pleasant Street
Newburyport, MA 010950

15. Complete Agreement. This Agreement constitutes the entire agreement between the Municipalities concerning the subject matter hereof, superseding all prior agreements and understandings. There are no other agreements or understandings between the Municipalities concerning the subject matter hereof. Each Municipality acknowledges that it has not relied on any representations by any other Municipality or by anyone acting or purporting to act for another Municipality or for whose actions the any other Municipality is responsible, other than the express, written representations set forth herein.

WITNESS OUR HANDS AND SEALS as of the dates specified:

TOWN OF NEWBURY
By its Board of Selectmen

_____
_____
_____
_____
_____

Date:_____

CITY OF NEWBURYPORT
By its Mayor

_____

Date: _____

Exhibit A

PLUM ISLAND CONSERVATION AGENT

The duties of the Plum Island Conservation Agent shall be as followed:

- Advises the Conservation Commission on issues and applications under its statutory jurisdiction pertaining to Plum Island; prepares reports, including recommendations for action on applications; attends bi-weekly Conservation Commission meetings; creates draft Orders of Conditions for the Conservation Commission's review.
- Reviews all state and local wetlands permit applications pertaining to Plum Island; including Notices of Intent, Requests for Determination of Applicability, Requests Certificates of Compliance, Requests for Minor Project Modifications, Abbreviated Notices of Resource Area Delineation, and Extension permit requests. Notifies the applicant prior to the first hearing of any issues/questions with the application.
- Prepares and issues permits issued by the Conservation Commission including Orders of Conditions, Determinations of Applicability, Certificates of Compliance, Extension permits, etc for Plum Island
- Responds to emergency situations on Plum Island (e.g., flood and storm damage, beach erosion) and issues Emergency Certifications as required.
- Performs intermittent but frequent field work outdoors with exposure to varied seasonal weather conditions.
- Performs site inspections/visits on Plum Island before, during and after projects to insure compliance with laws and regulations and adherence to permit conditions.
- Facilitates bi-weekly Commission meetings in conjunction with the Newburyport Conservation Agent/Director of Planning & Development
- Provides technical assistance to other City Departments regarding wetlands permitting on Plum Island.
- Reviews and drafts comments on other regulatory permit applications for Plum Island.
- Assists the public and applicants with questions on regulations and permitting requirements pertaining to properties on Plum Island
- Takes enforcement action against violators of the Wetlands Protection Act or the local ordinance on Plum Island.
- Tracks and monitors the status of permits using the department's permit tracking database software for permits on Plum Island.
- Participates on various City committees (may include the Technical Review Committee, GIS Committee and Beach Management Committee).
- Performs professional and administrative work assisting the Commission in the development of policies, procedures, and Ordinance and regulations creation and revision.
- Performs administrative, clerical and support work pertaining to Plum Island for Conservation Commission meetings, including preparation and coordination of agendas,

set up of meeting room, assembling and copying additional information for the Commission, etc.

- Plum Island Conservation Agent may be required to assume additional responsibilities as dictated by the Conservation Commission and/or Director of Planning & Development.

(This job description does not constitute an employment agreement between the employer and employee. It is used as a guide for personnel actions and is subject to change by the employer as the needs of the employer and requirement of the job change.)

Exhibit B

FEE SCHEDULE

Payment to Town of Newbury	$5,000
Payment to Douglas E. Packer	$20,000
	$25,000

The municipalities agree to evaluate the fee schedule prior to the execution of a successor agreement. The municipalities will consider expanding the agreement to include all conservation related responsibilities for the City of Newburyport.

APPOINTMENTS

Appointment #1
July 11, 2011

CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. BOX 550

NEWBURYPORT, MA 01950

(978) 465-4413 (978) 465-4402 (FAX)

NEWBURYPORT, MA
JUN 27 P 7:05

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: June 28, 2011

Subject: Re-Appointment

I hereby reappoint, subject to your approval, the following named individual as a member of the Community Preservation Act Committee. This term will expire on April 1, 2014.

Margaret Welch
82 Curzon Mill Road
Newburyport, MA 01950

END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

TRANSFERS

Transfer #1
July 11, 2011

City of Newburyport
FY 2011
BUDGET TRANSFER REQUEST

NEWBURYPORT, MA
2011 JUL -5 P 2:56

Department: POLICE DEPARTMENT
Submitted by: Thomas Howard, Marshal **Date Submitted:** 6/30/2011

Transfer From:

Account Name	**Officer Overtime**	YTD Bal:	$8,203.43
Account Number:	01210001-51301	Trans In:	$0.00
Amount:	$5,281.98	Trans Out:	$2,000.00

Transfer is needed to cover mutiple accounts that are short.

Transfer To:

Account Name	**Administrative Assistant**	YTD Bal:	$667.52
Account Number:	01210001-51150	Trans In:	$857.71
Amount:	$65.52	Trans Out:	$0.00

Transfer is needed due to shortage

Transfer To:

Account Name	**Clerical**	YTD Bal:	$342.57
Account Number:	01210001-51152	Trans In:	$0.00
Amount:	$66.04	Trans Out:	$0.00

Transfer is needed due to shortage

Transfer To:

Account Name	**Custodian**	YTD Bal:	$340.51
Account Number:	01210001-51166	Trans In:	$0.00
Amount:	$60.09	Trans Out:	$0.00
Why are Funds Required:	*Transfer is needed due to shortage*		

(Continued Page 2)

Transfer To:

Account Name	**Court**	YTD Bal:	$4,900.65
Account Number:	**01210001-51404**	Trans In:	$0.00
Amount:	$2,232.10	Trans Out:	$0.00
	Transfer is needed for shortage		

2011 JUL -5 P 2:56

Transfer To:

Account Name	**Maintenance of Building**	YTD Bal:	$7,429.09
Account Number:	01210002-52401	Trans In:	$4,000.00
Amount:	$183.90	Trans Out:	$0.00
	Shortage in account due to excessive repair work to AC/Heating unit		

Transfer To:

Account Name	**Office Supplies**	YTD Bal:	$240.25
Account Number:	01210004-54200	Trans In:	$800.00
Amount:	$136.50	Trans Out:	$0.00
Why are Funds Required:	*Transfer is needed due to overspending.*		

Donna D. Holaday, Mayor — Donna D. Holaday — Date: 7/5/11

William B. Squillace, Auditor — William B. Squillace — Date: 7/5/11

City Council Approval: (Stamp)

City of Newburyport

FY20 11

BUDGET TRANSFER REQUEST

Transfer #2
July 11, 2011

CLERK'S OFFICE NEWBURYPORT, MA

2011 JUL -5 P 2:56

Department: Fire Department

Submitted by: Chief Cutter

Date Submitted: 7/5/2011

Transfer From:

Account Name	Injured On Duty	YTD Bal:	$ 6,700.00
Account Number:	01220001-51509	Trans In:	$ -
Amount:	$2,927.93	Trans Out:	$ -
Why are Funds Available:	*Less than expected in claims from previously retired personnel.*		

Transfer To:

Account Name	Deputy Salary	YTD Bal:	$ -
Account Number:	01220001-51102	Trans In:	$ -
Amount:	$419.00	Trans Out:	$ -
Why are Funds Required:	*Deputy is in Firefighters union and this is the raise received in new contract.*		

Transfer To:

Account Name	Firefighter Holiday	YTD Bal:	$ -
Account Number:	01220001-51402	Trans In:	$ -
Amount:	$508.93	Trans Out:	$ -
Why are Funds Required:	*Amount needed to cover cost from new firefighters contract.*		

Transfer To:

Account Name	Firefighter Overtime	YTD Bal:	$ 866.14
Account Number:	01220001-51301	Trans In:	$ -
Amount:	$2,000.00	Trans Out:	$ -
Why are Funds Required:	*Due to extended sickness, injuries, vacancies, and academy training, we were short in the overtime account.*		

Donna D. Holaday, Mayor — Date: 7/5/11

William B. Squillace, Auditor — Date: 7/5/11

City Council Approval: (Stamp)

City of Newburyport

FY20 11

BUDGET TRANSFER REQUEST

Transfer #3
July 11, 2011

2011 JUL -5 P 2:56

Department: Fire Department

Submitted by: Chief Cutter **Date Submitted:** 7/5/2011

Transfer From:

Account Name	Fire Alarm	YTD Bal:	$	1,230.94
Account Number:	01220002-52408	Trans In:	$	-
Amount:	$1,000.00	Trans Out:	$	-
Why are Funds Available:	*Not needed for major repairs.*			

Transfer To:

Account Name	Firefighter Overtime	YTD Bal:	$	866.14
Account Number:	01220001-51301	Trans In:	$	-
Amount:	$1,000.00	Trans Out:	$	-
Why are Funds Required:	*Due to extended sickness, injuries, vacancies and academy training we were short in the overtime account.*			

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	
Amount:		Trans Out:	
Why are Funds Required:			

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	
Amount:		Trans Out:	
Why are Funds Required:			

Donna D. Holaday, Mayor
William B. Squillace, Auditor
City Council Approval: (Stamp)

Donna D. Holaday Date: 7/5/11

Date:

Transfer #4
July 11, 2011

City of Newburyport
FY20 11
BUDGET TRANSFER REQUEST

CLERK'S OFFICE
NEWBURYPORT, MA

2011 JUL -5 P 2:56

Department: Fire Department
Submitted by: Chief Cutter **Date Submitted:** 7/5/2011

Transfer From:

Account Name	Educational Expense	YTD Bal:	$ 1,500.00
Account Number:	01220004-55101	Trans In:	$ -
Amount:	$1,500.00	Trans Out:	$ -
Why are Funds Available:	*Personnel did not spend amount that is allowed under contract.*		

Transfer To:

Account Name	Firefighter Overtime	YTD Bal:	$ 866.14
Account Number:	01220001-51301	Trans In:	$ -
Amount:	$1,500.00	Trans Out:	$ -
Why are Funds Required:	*Due to extended sickness, injuries, vacancies and academy training we were short in the overtime account.*		

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	
Amount:		Trans Out:	
Why are Funds Required:			

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	
Amount:		Trans Out:	
Why are Funds Required:			

Donna D. Holaday, Mayor — Donna D. Holaday — Date: 7/5/11
William B. Squillace, Auditor — William B. Squillace — Date: 7/5/11
City Council Approval: (Stamp)

Transfer #5
July 11, 2011

City of Newburyport
FY20 11
BUDGET TRANSFER REQUEST

CLERK'S OFFICE
NEWBURYPORT, MA

2011 JUL -5 P 2:56

Department: Fire Department
Submitted by: Chief Cutter **Date Submitted:** 7/5/2011

Transfer From:

Account Name	Computer Expense	YTD Bal:	$ 1,219.36
Account Number:	0122000-52411	Trans In:	$ -
Amount:	$1,000.00	Trans Out:	$ -

Why are Funds Available: *Did not add connection to Station 2. Waiting for new city system so we do not purchase something that may not work on new system.*

Transfer To:

Account Name	Firefighter Overtime	YTD Bal:	$ 866.14
Account Number:	01220001-51301	Trans In:	$ -
Amount:	$1,000.00	Trans Out:	$ -

Why are Funds Required: *Due to extended sickness, injuries, vacancies and academy training we were short in the overtime account.*

Transfer To:

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

Why are Funds Required:

Transfer To:

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

Why are Funds Required:

Donna D. Holaday, Mayor — Donna D. Holaday — Date: 7/5/11
William B. Squillace, Auditor — Date: 7/5/11
City Council Approval: (Stamp)

City of Newburyport

FY20 11

BUDGET TRANSFER REQUEST

Transfer #6
July 11, 2011

2011 JUL -5 P 2:56

Department: Fire Department

Submitted by: Chief Cutter **Date Submitted:** 7/5/2011

Transfer From:

Account Name	Vehicle Maintenance	YTD Bal:	$ 4,040.57
Account Number:	01220002-52403	Trans In:	$ -
Amount:	$1,000.00	Trans Out:	$ -
Why are Funds Available:	*Did not need for repairs.*		

Transfer To:

Account Name	Firefighters Overtime	YTD Bal:	$ 866.14
Account Number:	01220001-51301	Trans In:	$ -
Amount:	$1,000.00	Trans Out:	$ -
Why are Funds Required:	*Due to extended sickness, injuries, vacancies and academy training we were short in the overtime account.*		

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	
Amount:		Trans Out:	
Why are Funds Required:			

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	
Amount:		Trans Out:	
Why are Funds Required:			

Donna D. Holaday, Mayor — Donna D Holaday — Date: 7/5/11

William B. Squillace, Auditor — William B Squillace — Date: 7/5/11

City Council Approval: (Stamp)

Transfer #7
July 11, 2011

City of Newburyport
FY20 11
BUDGET TRANSFER REQUEST

CLERK'S OFFICE
NEWBURYPORT, MA

2011 JUL -5 P 2:56

Department: Fire Department
Submitted by: Chief Cutter **Date Submitted:** 7/5/2011

Transfer From:

Account Name	Health-Salary Dog Control Officer	YTD Bal:	$ 7,062.14
Account Number:	01292001-51101	Trans In:	$ 882.51
Amount:	$6,300.00	Trans Out:	$ -

Why are Funds Available: *Dog control officer was on materity leave and full funding requirement was not required.*

Transfer To:

Account Name	Firefighters Overtime	YTD Bal:	$ 866.14
Account Number:	01220001-51301	Trans In:	$ -
Amount:	$6,300.00	Trans Out:	$ -

Why are Funds Required: *Due to extended sickness, injuries, vacancies and academy training we were short in the overtime account.*

Transfer To:

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

Why are Funds Required:

Transfer To:

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

Why are Funds Required:

Donna D. Holaday, Mayor — Donna D. Holaday — Date: 7/5/11
William B. Squillace, Auditor — [illegible] — Date: 7/5/11
City Council Approval: (Stamp)

Transfer #8
July 11, 2011

City of Newburyport
FY 2011
BUDGET TRANSFER REQUEST

NEWBURYPORT, MA

2011 JUL -5 P 2:56

Department: Mayor

Submitted by: Mayor Donna D. Holaday **Date Submitted:** 7/5/2011

Transfer From:

Account Name	Health - Reg Health Serv. Revolving Fd	YTD Bal:	$ 10,142.05
Account Number:	2838-10400	Trans In:	$ -
Amount:	$10,142.05	Trans Out:	$ -

Why are Funds Available: *This account was established in anticipation of establishing a regional health services agreement with other neighboring communities. However, the agreement was not executed. In accordance with MGL 44, 53 E 1/2, these funds can be transferred to another revolving fund with the approval of the mayor and majority vote of the City Council.*

Transfer To:

Account Name	City Hall Revolving Fund	YTD Bal:	$ 10,534.00
Account Number:	2840-49700	Trans In:	$ 10,534.00
Amount:	$10,142.05	Trans Out:	$ -

Why are Funds Required: *Funds are required for the expansion of City Hall offices in the basement of City Hall which are related to Health Department and other city operations.*

Transfer To:

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

Why are Funds Required:

Transfer To:

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

Why are Funds Required:

Donna D. Holaday, Mayor — Donna D. Holaday — Date: 7/5/2011

William B. Squillace, Auditor — William B. Squillace — Date: 7/5/11

Transfer #9
July 11, 2011

City of Newburyport
FY 2011
BUDGET TRANSFER REQUEST

CLERK'S
NEWBURYPORT, MA

2011 JUL -5 P 2:55

Department: Mayor

Submitted by: Mayor Donna D. Holaday **Date Submitted:** 7/5/2011

Transfer From:

Account Name	Treasurer Staff Salaries	YTD Bal:	$ 6,972.85
Account Number:	01145001-51103	Trans In:	$ -
Amount:	$6,736.18	Trans Out:	$ 17,695.53
Why are Funds Available:	*Unfilled positions and reduced staffing costs will result in available funds in this account.*		

Transfer To:

Account Name	Mayor - Grant Writer	YTD Bal:	$ (250.00)
Account Number:	01121002-53006	Trans In:	$ 7,000.00
Amount:	$250.00	Trans Out:	$ -
Why are Funds Required:	*Additional funding is required to meet budget requirements through fiscal year end.*		

Transfer To:

Account Name	Ch. 32-B Part-Time Support	YTD Bal:	$ (6,039.20)
Account Number:	01914001-51166	Trans In:	$ -
Amount:	$6,468.20	Trans Out:	$ -
Why are Funds Required:	*Funding requirements exceeded the original FY 2011 budgeted amount.*		

Transfer To:

Account Name	Board of Registrars - Elect /Reg	YTD Bal:	$ (17.98)
Account Number:	01163007-57808	Trans In:	$ 2,470.00
Amount:	$17.98	Trans Out:	$ -
Why are Funds Required:	*Account short by $17.98.*		

Donna D. Holaday, Mayor — Donna D. Holaday — Date: 7/5/11

William B. Squillace, Auditor — [illegible] — Date: 7/5/11

City Council Approval: (Stamp)

Transfer #10
July 11, 2011

City of Newburyport
FY 2011
BUDGET TRANSFER REQUEST

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA

2011 JUL -5 P 2:56

Department: DPS - Sewer Division

Submitted by: Anthony Furnari, Director **Date Submitted:** 6/29/2011

Transfer From:

Account Name	Sewer - West End Easement	YTD Bal:	$ 159,690.12
Account Number:	61440008 - 58530	Trans In:	$ -
Amount:	$159,690.12	Trans Out:	$ -

Why are Funds Available: *Design and construction is ongoing. Work on project will continue over fiscal years.*

Transfer To:

Account Name	Sewer - CIP -West End Easement	YTD Bal:	$ -
Account Number:	3406-4990	Trans In:	$ -
Amount:	$159,690.12	Trans Out:	$ -

Why are Funds Required: *By transferring funds to a capital project line item, design and construction can continue over fiscal years.*

Transfer To:

Account Name
Account Number:
Amount:
Why are Funds Required:

YTD Bal:
Trans In:
Trans Out:

Transfer To:

Account Name
Account Number:
Amount:
Why are Funds Required:

YTD Bal:
Trans In:
Trans Out:

Donna D Holaday, Mayor — Donna D Holaday — Date: 7/5/11
William B. Squillace, Auditor — [signature] — Date: 7/5/11
City Council Approval: (Stamp)

Transfer #11
July 11, 2011

City of Newburyport
FY 2011
BUDGET TRANSFER REQUEST

CITY CLERK'S OFFICE NEWBURYPORT, MA

2011 JUL -5 P 2:56

Department: DPS - Sewer

Submitted by: Anthony Furnari, Director DPS **Date Submitted:** 6/29/2011

Transfer From:

Account Name	Operations Manager	YTD Bal:	$ 25,185.88
Account Number:	61440001 51103	Trans In:	$ -
Amount:	$2,459.52	Trans Out:	$ 1,480.12
Why are Funds Available:	*Position remains unfilled*		

Transfer To:

Account Name	City Engineer	YTD Bal:	$ (2,459.52)
Account Number:	61440001 51119	Trans In:	$1,480.12
Amount:	$2,459.52	Trans Out:	$0.00
Why are Funds Required:	*To fund stipend during Deputy Director's military leave.*		

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	
Amount:		Trans Out:	
Why are Funds Required:			

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	
Amount:		Trans Out:	
Why are Funds Required:			

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	
Amount:		Trans Out:	
Why are Funds Required:			

Donna D Holaday, Mayor — Date: 7/5/11

William B. Squillace, Auditor — Date: 7/5/11

City Council Approval: (Stamp)

Transfer #12
July 11, 2011

City of Newburyport
FY 2011
BUDGET TRANSFER REQUEST

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA
2011 JUL -6 A 11:49

Department: DPS- Highway Division
Submitted by: Andrew Lafferty, Asst. Director **Date Submitted:** 7/6/2011

Transfer From:

Account Name	Sidewalks	YTD Bal:	$	74,495.00
Account Number:	014210078-58901	Trans In:	$	35,000.00
Amount:	$74,495.00	Trans Out:	$	-

Why are Funds Available: *Funds are being transferred out of this account in order to move them into a special projects account for sidewalks and road repairs. If the funds are not moved, they will close-out to the General Fund.*

Transfer To:

Account Name	DPS -Maint/Repair Roads & Sidewalks	YTD Bal:	$	104,868.97
Account Number:	2969-10400	Trans In:	$	-
Amount:	$74,495.00	Trans Out:	$	-

Why are Funds Required: *Funds are required for road and sidewalk repairs throughout the City.*

Transfer To:

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

Why are Funds Required:

Transfer To:

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

Why are Funds Required:

Donna D. Holaday, Mayor — Donna D. Holaday — Date: 7/6/11
William B. Squillace, Auditor — Date: 7/6/11
City Council Approval: (Stamp)

Transfer #13
July 11, 2011

City of Newburyport
FY 2011
BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

Department: Veterans / Police /Fire
Submitted by: Mayor Donna D. Holaday **Date Submitted:** 7/5/2011 11:49

Transfer From:

Account Name	Veterans - Veterans Benefits	YTD Bal:	$	16,918.91
Account Number:	01543007- 57700	Trans In:	$	106.50
Amount:	$7,169.34	Trans Out:	$	-

Why are funds available: *During the last few months of FY 2011 the number of claims for benefits dropped dramatically leaving a surplus at year-end.*

Transfer To:

Account Name	Police - Salary Officers	YTD Bal:	$	1,068.77
Account Number:	01210001-51142	Trans In:	$	-
Amount:	$5,250.00	Trans Out:	$	-

Why are funds required:
During a period in which a Sergeant was out as a result of an extended injury, the City appointed an Acting Sergeant in order to limit overtime expenditures relating to the sergeant out on leave. The City was found to be in violation of the contract and a damage settlement was agreed upon. The settlement included a one time payment to each of the seven superior officers of $750.00.

Transfer To:

Account Name	Fire - Dispatcher Salary	YTD Bal:	$	0.12
Account Number:	01220001-51156	Trans In:	$	2,790.16
Amount:	$1,919.34	Trans Out:	$	2,178.00

Why are funds required: *Dispatcher salary for FY 2011 will be short by $1,919.34 at year- end.*

Donna D. Holaday, Mayor — Donna D. Holaday — Date: 7/6/11
William B. Squillace, Auditor — William B. Squillace — Date: 7/6/11
City Council Approval: (Stamp)

APPOINTMENTS
SECOND READING

Second Reading
Appointments
July 11, 2011

MAYOR'S APPOINTMENTS
SECOND READING
July 13, 2011

APPOINTMENTS - Second Reading

Re-Appointment

1.	Thomas T. Lyons	8 Oak Street	Council on Aging	May 31, 2016
2.	Kevin Hunt	14 Tenth Street	Director of Veteran's Services	April 30, 2012
3.	David Zinck	6 Laurel Road	Electrical Inspector	January 1, 2012
4.	Douglas A. Muir	10 Hancock Street	Conservation Commission	May 1, 2014
5.	Robert Dow	185 Storey Ave.	Harbor Commission	May 1, 2014
6.	James Knapp	129 Merrimac St.#10	Harbor Commission	May 1, 2014
7.	Jane Donovan	6 Orange Street	Commission on Disability	March 1, 2014
8.	Paul Dahn	343 High Street	Planning Board	June 1, 2016

Appointment

9.	Brian Brunault	83 Gardner St., W. Newbury	Special Police Officer	
10.	Edward Rice	39 Unicorn Circle, Amesbury	Special Police Officer	
11.	Laurie F. Christiansen	33 Purchase Street	Trust Fund Commission	June 1, 2014
12.	Richard O'Leary	552 High St., Hampton, NH	Ass't Harbor Master	June 15, 2014
13.	Richard Cummings	7 Jewett St., Georgetown	Ass't Harbor Master	June 15, 2014
14.	James D. O'Brien	8 67th Street	Conservation Commission	June 1, 2014

In City Council June 27, 2011
Motion to approve the Consent Agenda as amended by Councillor Jones, seconded by Councillor Herzog. 10 yes, 1 absent (Hutcheson). So voted.

ORDERS

Order #1
July 11, 2011

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED: **Date:**

July 11, 2011

THAT the City Council, having reviewed funding recommendations of the Community Preservation Committee, voted to appropriate or reserve a total of $753,547 from Community Preservation Fund Revenues for the projects, in the amounts, in the categories, and subject to the conditions described in the document entitled, "Newburyport Community Preservation Committee Recommendations for FY12 Appropriations and Reservations," incorporated by reference into this Order.

No.	Project Title	Applicant	Category	Recommended
1	Bartlet Wharf Timber Conservation	City of Newburyport & Newburyport Maritime Society	Historic	$ 3,740*
2	YWCA Affordable Housing	YWCA of Greater Newburyport	Housing	$ 50,000
3	Newburyport Housing Rehabilitation Program	City of Newburyport, Office of Planning & Community Dev	Housing, Historic	$ 75,000
4	Milk Street Affordable Housing Restoration	American Training, Inc.	Housing	$ 11,000
5	Down Payment Assistance and MLS Input-Only Listing Services	Newburyport Affordable Housing Trust	Housing	$ 50,000
6	Old South Church Roof Restoration	Old South, First Presbyterian Church	Historic	$ 20,000
7	St. Anna's Chapel Restoration Project	Capital Campaign Committee, St. Paul's Church	Historic	$ 15,000
8	Rediscovering Caleb Cushing	Rediscovering Caleb Cushing Committee	Historic	$ 3,000
9	Oak Hill Cemetery Gravestone Restoration	Proprietors of Oak Hill Cemetery	Historic	$ 2,000
10	Open Space Reserve Fund	Open Space Committee	Open Space	$ 50,000
11	Moseley to Maudslay Trail Connection Project	City of Newburyport, Office of Planning & Community Dev	Open Space, Rec	$ 45,000

12	Clipper City Rail Trail Extension Project	City of Newburyport, Office of Planning & Community Dev	Open Space, Rec	$ 53,000
13	Administration	CPC	Admin	$ 12,000
14	Open Space Bond Payment	City of Newburyport	Open Space	$ 136,619
15	City Hall Bond Payment	City of Newburyport	Historic	$ 207,188
16	Housing Reserve Fund	City of Newburyport	Housing	$ 20,000
			Total	$ 753,547

* Bartlet Wharf Project approved for recommendation on 2/22/2011 from prior year funds.

Councillor Barry N. Connell

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA
2011 MAY -5 A 11: 42

NEWBURYPORT COMMUNITY PRESERVATION COMMITTEE
RECOMMENDATIONS FOR FY12 APPROPRIATIONS AND RESERVATIONS

The Newburyport Community Preservation Committee recommends that the City Council appropriate or reserve $753,547 from Community Preservation Fund Revenues for the projects, in the amounts, in the categories, and subject to the conditions hereinafter described.

The following CONDITIONS are common to all recommended projects:

A. Each recipient of funds is required to submit to the CPC a written report on the status of the project by each October 15, January 15, April 15 and July 15 following appropriation and until final completion of the project.

B. If a project is not completed within 12 months of appropriation, the grantee must submit a written request to the CPC for an extension of the grant. Otherwise, funds may be subject to recision and returned to Community Preservation Fund Reserves (applicable to appropriations, not to reservations).

C. Full funding is conditioned upon the receipt of state matching funds, estimated to be 25% of local revenue, expected in October 2011.

Attached are:

1. One page summary spreadsheet of CPC recommendations.
2. Recommendations for appropriation or reservation numbers 1-16, with project summaries for each.
3. Criteria for project evaluation adopted and published by the CPC.

Estimated Community Preservation Fund Revenues available for appropriation or reservation in FY 2012 total approximately $760, 775. This figure includes estimated receipts of the local CPA surcharge during fiscal year 2011, accumulated interest and the anticipated 25% state matching funds to be received in October 2011.

Applications for all projects are available for review in the Office of Planning and Development.

Respectfully submitted by:

Community Preservation Committee Members

Michael Dissette, Chair
Mary Louise Gagnon
Judith Grohe
Jane Healey
Paul Healy
Don Little
Don Walters
Margaret Welch
Robert Uhlig

PROJECT NO. 1
BARTLET WHARF TIMBER CONSERVATION

The CPC recommends the appropriation of $3,740 from prior year unreserved Community Preservation Funds to the City of Newburyport to conserve a four foot section of William Bartlet's Lower Wharf Bulkhead. Since the source is not dependent upon receipt of state matching funds in October, this appropriation would not be subject to Condition C.

The project will be managed by William Harris as the project coordinator for the Newburyport Historical Commission and Director-Emeritus of the Custom House Maritime Museum, with oversight by the NHC and the Planning Office.

The CPA category for this appropriation is Historic Preservation.

Project Summary

The Bartlet Wharf was recently unearthed during construction of the City's Wastewater Treatment Facility Expansion Project at 115 Water Street. The Wharf, named for William Bartlet, a privateer owner, merchant and principal for construction of the nation's first subscription naval vessel, dates to the 18th century.

The City since excavated a four-foot portion of the Lower Bartlet Wharf Bulkhead under the supervision of a contractor archeologist. The section exemplifies hand hewn timber construction typical of the 18th century and shows a lap joint with a trunnel (wooden nail) to connect to another structural timber.

The Mayor subsequently entered into a conservation agreement with the State of Maryland Archaeological Conservation Laboratory (MAC Lab) to conserve the artifact. The conservation effort includes: dendrochronology, or tree ring dating; desalination; treatment with polyethylene glycol; and freeze drying over a one to two month period. Once complete, the section will be returned to the City and loaned to the Custom House Maritime Museum for public display as a physical reminder of the city's maritime past.

The requested funds will support the conservation services as well as costs associated with shipping the timber between the MAC Lab and Newburyport.

PROJECT NO. 2
YWCA AFFORDABLE HOUSING PROJECT

The CPC recommends the appropriation of $50,000 to the YWCA of Greater Newburyport to support the preservation of five affordable units and creation of five additional affordable units on Market Street.

The CPA category for this project is Community Housing.

Project Summary

In 1998, the YWCA Greater Newburyport redeveloped a property on Market Street to provide five units of quality affordable housing to very low income households. The YWCA now plans to expand this development by adding another five units. Through prior year CPA grants, the City partially supported architectural and engineering services required to develop the plans and the Zoning Board of Appeals granted all necessary zoning relief for the project. The YWCA recently partnered with L.D. Russo, a general contractor with experience in affordable housing development, to prepare additional funding requests, finalize the plans, and ultimately to move onto construction.

The recommended funding will help leverage additional state and private funding in order to both preserve and create affordable housing within the development.

PROJECT NO. 3
NEWBURYPORT HOUSING REHABILITATION PROGRAM

The CPC recommends the appropriation of $75,000 to the City of Newburyport to support the Newburyport Housing Rehabilitation Program, managed by the Community Development Department. This appropriation is made with a condition that any rebated or refunds received back from the Housing Rehabilitation Program grantees resulting from the application of existing CDBG policies, shall be returned to the Community Preservation Affordable House Reserve Fund.

The CPA category for this project is Community Housing.

Project Summary

The Newburyport Housing Rehabilitation Program addresses housing needs of low and moderate income households within the city. The Program provides technical and financial assistance to bring properties up to current state and federal codes. Community Development staff assist homeowners through the entire rehabilitation process, including: income qualifying the applicant according to HUD guidelines; preparing cost estimates to bring properties up to code; securing approval as necessary from the Newburyport Historical Commission; managing the bid process; providing contract review; and supervising construction.

Allocation of CPA funds to the Housing Rehabilitation Program allows local residents to safely and securely stay in their homes. Simultaneously, the program helps the city retain its historic character through rehabilitation of older homes. The recommended appropriation will minimally yield ten rehab projects. Each individual housing rehabilitation project is secured through a 15-year lien on the property.

PROJECT NO. 4
MILK STREET AFFORDABLE HOUSING REHABILITATION PROJECT

The CPC recommends the appropriation of $11,000 to Newburyport Housing Authority to replace the boiler in its Milk Street property.

The CPA category for this appropriation is Community Housing.

Project Summary

The Newburyport Housing Authority owns a property on Milk Street that is part of the state's Chapter 689 Program. Chapter 689 provides affordable housing for handicapped individuals in a group setting. American Training, Inc. presently operates an assisted living program for handicapped residents from the building as the Housing Authority's tenant.

The property's existing boiler is approximately forty years old and has reached the end of its expected lifespan. Due to the limitations of the Chapter 689 Program, the Housing Authority does not receive sufficient rent from the property to replace the boiler and state funds are not available. The recommended funding will allow the Housing Authority to replace the aging boiler before it fails.

PROJECT NO. 5
NEWBURYPORT AFFORDABLE HOUSING TRUST

The CPC recommends the appropriation of $50,000 to the Newburyport Affordable Housing Trust (NAHT) to preserve affordable homeownership opportunities throughout the City. Conditions of this appropriation include:

1. Any funds appropriated from the Community Preservation Fund shall be used only for community housing purposes consistent with, and meeting the requirements of the Community Preservation Act, M.G.L. c.44B; and
2. Annual reports shall be made to the Community Preservation Committee, including separate tracking of CPA appropriations from monies generated by the Trust from other sources.

The CPA category for this project is Community Housing.

Project Summary

The recommended funding will support two of the NAHT's ongoing programs: Down Payment Assistance and MLS Input Only Listing Services. The NAHT designed and implemented both of these programs in an effort to retain the city's existing affordable housing inventory. These units are at greater risk now than in the past in large part due to the recent downturn on the housing market, which resulted in both a smaller gap between market rate and affordable prices and a tightened lending climate that makes it more difficult to attract qualified buyers of existing deed restricted units.

The Down Payment Assistance Program helps lower income buyers who are able to afford monthly mortgage payments but do not have enough capital to pay the initial home purchase costs. The NAHT offers up to $15,000 to each eligible buyer to put toward down payment and/or closing costs for the purchase of a deed-restricted resale unit. The assistance is considered a deferred payment loan and secured through a second mortgage, though the loan will be forgiven if the participant resides in the home for more than ten years.

The Multiple Listing Services Program (MLS) is offered to sellers of deed restricted units. The MLS reaches a broader pool of potential buyers than more traditional methods such as newspaper ads and the city website. The NAHT assumes a small flat fee for inputting the real estate listing on MLS on behalf of the seller, who in exchange agrees to extend the period of time during which the unit is marketed exclusively to income-eligible buyers. Four sellers have take advantage of the program since it was initially offered in late 2010. All four have since sold to, or are under contract with, eligible buyers.

PROJECT NO. 6
OLD SOUTH CHURCH ROOF RESTORATION PROJECT

The CPC recommends the appropriation of $20,000 to the First Presbyterian Church, located at 29 Federal Street, to support the Old South sanctuary roof restoration project.

The CPA category for this project is Historic Preservation.

Project Summary

The structure is an important historic resource for Newburyport. When built in 1756, the Olde South Meeting House was the largest wooden structure in the colonies. It was built by local shipbuilders and is one of the last examples of the shipbuilder's craft from that period.

A number of significant people and events are connected to Old South. It was established by one of the founding fathers of our country, George Whitefield. The first volunteer army of the revolutionary war was formed there and marched to Bunker Hill. The first sunday school in North America was formed there. Today, the Old South Meeting House draws thousands of visitors to the city to celebrate its history.

Old South is listed on both the National and State Register of Historic Places. The structure is presently subject to a preservation restriction through the Massachusetts Historical Commission.

The recommended funding will offset a portion of the costs associated with restoration and repair of the sanctuary roof. The overall cost of this project is estimated to cost $70,000.

PROJECT NO. 7
ST. ANNA'S CHAPEL ROOF RESTORATION

The CPC recommends the appropriation of $15,000 to St. Paul's Church at 166 High Street for the restoration and repair of the roof on St. Anna's Chapel.

The CPA category for this project is Historic Preservation.

Project Summary

In 1863, Rev. William Horton built the chapel in memory of his daughter Anna Horton. The building was designed by noted regional architect Rufus Sargent, who is also responsible for the design of the Kelley School and the Institution for Savings. St. Anna's consists of rough-cut Rockport granite and is one of the only Gothic Revival structures in the City. The building, together with the St. Paul's Church, is listed on the National and State Registers of Historic Places. Additionally, the Newburyport Historical Commission holds a permanent preservation restriction on the chapel.

At close to 150 years old, St. Anna's is in need of extensive restoration work. Work on the building's slate roof was recently completed in part with previous CPA grants. Missing and mismatched slates were replaced on the Summer Street side and salvaged slates were then used to supplement the intact ones on the graveyard side of the Chapel.

This award would offset a small portion of the costs associated with continued masonry and window restoration.

PROJECT NO. 8
REDISCOVERING CALEB CUSHING PROJECT

The CPC recommends the appropriation of $3,000 to make Caleb Cushing's gravesite at Highland Cemetery more accessible. The project will be managed by the Committee for Rediscovering Caleb Cushing, with oversight provided by the Department of Public Services.

The CPA category for this appropriation is Historic Preservation.

Project Summary

The project includes construction of an accessible path – 221 feet in length – from the Cemetery's access road off Hill Street out to the Caleb Cushing gravesite. This is the second phase of the Rediscovering Caleb Cushing Project. The first phase, funded by the Morrill Charitable Foundation, resulted in a bronze plaque with Cushing's image in low relief and a text listing his most impressive accomplishments, including his appointment as the first US Ambassador to China where he negotiated the treat that opened five ports to American merchants. The plaque will be mounted on a granite stone that will be placed at the head of the path to Cushing's gravesite.

PROJECT NO. 9
OAK HILL CEMETERY GRAVESTONE RESTORATION

The CPC recommends the appropriation of $2,000 to the Proprietors of Oak Hill Cemetery for the repair and restoration of markers in Oak Hill Cemetery. The project will be managed by the Cemetery's coordinator of restoration and research projects, Ghlee Woodworth.

The CPA category for this appropriation is Historic Preservation.

Project Summary

In 1842, a group of interested citizens formed a board of trustees to oversee the design and management of a rural garden cemetery – one of the first of its kind in the United States. Today, Oak Hill's 36 acres provides a quiet place for walkers and birders to enjoy their recreational pursuits. The cemetery, which became the final resting place of many prominent Newburyport residents, also offers a glimpse into the City's rich past, though many of the physical markers of this history have fallen into disrepair due to weather, erosion, vandalism, and/or lawnmowers. The cemetery includes approximately 150 stones in need of repair.

The Oak Hill Restoration project builds on efforts undertaken in the City with assistance from the Newburyport Community Preservation Fund at Old Hill Burying Ground. The 2010 Old Hill Burying Ground CPA Grant provided professional training for both city employees and interested volunteers in stone conservation techniques. Volunteer participants in those workshops have already begun restoration work at Oak Hill Cemetery. The recommended appropriation will provide funds to acquire necessary materials and labor to continue the effort.

PROJECT NO. 10
OPEN SPACE RESERVE FUND

The CPC recommends the reservation of $50,000 to the Community Preservation Open Space Reserve Fund. Use of reserve funds are subject to future CPC recommendation and Council appropriation for specific projects.

The CPA category for this reservation is Open Space.

Project Summary

This recommendation is in response to an application from the City's Open Space Committee indicating there are potential opportunities for open space acquisitions and/or conservation restrictions of land. These possible projects, which may arise in the near future, are in sensitive negotiation phases that require confidentiality. Supplemental information will be submitted as individual projects enter more public phases and are presented to the CPC and the City Council for project specific funding from the reserve.

PROJECT NO. 11
MOSELEY TO MAUDSLAY TRAIL CONNECTION PROJECT

The CPC recommends the appropriation of $45,000 to the City of Newburyport to support design and permitting of the Moseley-Maudslay Trail. The project is managed by the Office of Planning and Development.

The CPA category for this project is Recreation.

Project Summary

Development of this new recreational trail along the Merrimack River and through the woods would result in a direct connection between the City's Moseley Woods Park and the Commonwealth's Maudslay State Park. The Moseley-Maudslay Trail is generally envisioned as a six-foot wide engineered path with one-foot shoulders. It will serve multiple users – pedestrians, runners, mountain bikers – and will incorporate switchbacks in areas of steep topography to be both wheelchair and stroller accessible. A small pond on Water Department land adjacent to Moseley will be featured along the trail. The route will then cross a stream and cross under the new I-95 Whittier Bridge. After reaching Spring Lane, the trail will parallel the road and river for a short distance, offering beautiful views, before crossing the lane to the west. The trail will ultimately connect with the state park's existing trail system below Castle Hill at the beginning of the designated "Merrimack River Trail." Proposed amenities include directional signage, potential interpretive signage and a few benches.

The recommended appropriation will support design services for the Moseley-Maudslay Trail, including professional site evaluation, design development, survey, resource delineation, cost estimating, public meetings, and permitting. It is important that the trail be designed and permitted in conjunction with the MassDOT Whittier Bridge design process in 2011-2012.

PROJECT NO. 12
CLIPPER CITY RAIL TRAIL EXTENSION PROJECT

The CPC recommends the appropriation of $53,000 to the City of Newburyport to support the second phase of the Clipper City Rail Trail Project. The project is managed by the Office of Planning and Development.

The CPA category for this project is Recreation.

Project Summary

The City of Newburyport has been working on the Clipper City Rail Trail for well over a decade, but conversion of the old Eastern Line railroad corridor into a multiuse, recreation trail was finally completed last year. This first phase of the Rail Trail Project now allows people to walk, run and bike between the commuter rail station and the Merrimack River.

Phase II of the Rail Trail will follow the old City Branch corridor, which runs along the waterfront and through the South End. Eventually the trail will extend along the central waterfront, through the South End, past March's Hill, and back to the MBTA commuter rail station. The entire loop will run approximately three miles, with the potential to connect to other trail networks in neighboring communities. In order to leverage state and federal construction funding to build this next portion of the Rail Trail, the City must first secure funding for survey, design and permitting.

PROJECT NO. 13
CPA ADMINISTRATIVE COSTS

The CPC recommends the appropriation of $12,000 to fund the Community Preservation Committee's expected administrative costs. These costs include a stipend for the CPC administration liaison position in the Planning Office, annual membership dues in the statewide community preservation coalition, and other recurring expenses including note taking at meetings, legal advertising, and city solicitor review of legal documents when necessary. Excess funds remaining in this account at the end of the fiscal year revert to general Community Preservation Funds.

The CPA category for this appropriation is Administration.

PROJECT NO. 14
OPEN SPACE ACQUISITIONS BOND DEBT PAYMENT

The CPC recommends the appropriation of $136,619 to the City of Newburyport for the fifth annual payment of interest and principal on the Open Space Acquisitions Bond.

The CPA category is Open Space.

Project Summary

In December 2005, the City Council authorized bonding up to $1,775,000 against future CPA revenue for open space acquisitions, including the Cooper North Pasture and the former Guilford properties. Under this authorization, the City Treasurer conservatively borrowed $1,275,000 to fund the acquisition costs. Debt payments on the bond will continue through 2019. The CPC is advised that it is necessary to appropriate the debt service payments on an annual basis.

PROJECT NO. 15
CITY HALL BOND DEBT PAYMENT

The CPC recommends the appropriation of $207,188 to the City of Newburyport for the fifth annual payment of interest and principal on the City Hall Restoration Bond.

The CPA category is Historic Preservation.

Project Summary

In December 2005, the City Council authorized issuance of a $1,950,000 bond against future CPA revenue for the City Hall Restoration Project. Work on City Hall is now largely complete, though debt payments will continue through 2019. The CPC is advised that it is necessary to appropriate the debt service payments on an annual basis.

PROJECT NO. 16
COMMUNITY HOUSING RESERVE

This recommendation is made to reserve $20,000 for the future creation, preservation or support of housing opportunities for low and moderate income individuals and households. Use of reserve funds are subject to future CPC recommendation and Council appropriation for specific projects.

The CPA category for this reservation is Community Housing.

Project Summary

There remains a balance of $14,200 in the Community Housing Reserve Fund from prior year reservations. With this recommended additional reservation in FY11, $34,200 will be available as specific community housing projects arise.

COMMUNITY PRESERVATION COMMITTEE

EVALUATION CRITERIA

The Newburyport Community Preservation Committee gives preference to proposals which address as many of the following general criteria as possible:

1. Eligible for Community Preservation Act (CPA) funding according to the requirements described in the CPA legislation (Chapter 44B of Mass. General Laws).
2. Consistent with the Master Plan, Open Space and Recreation Plan, Land Use and other planning documents that have received public scrutiny and input.
3. Preserve and enhance the essential character of the city.
4. Protect resources that would otherwise be threatened.
5. Serve more than one CPA purpose or demonstrate why serving multiple needs is not feasible.
6. Demonstrate practicality and feasibility, and that the project can be implemented within budget and on schedule.
7. Produce an advantageous cost/benefit value.
8. Leverage additional public and/or private funds (eg. qualify the project for additional grants from other sources) or receive partial funding from other sources and/or voluntary contributions of goods or services.
9. Preserve or improve utility of currently owned city assets.
10. Receive endorsement by other municipal boards or departments and broad-based support from community members.

CATEGORY SPECIFIC CRITERIA

The Community Preservation Act funds three key community interests: open space, historic preservation, and affordable housing. Public recreation projects may also be funded.

1. **Open Space** proposals which address as many of the following specific criteria as possible will receive preference for funding:
    - Permanently protect important wildlife habitat, particularly areas that include:
        - locally significant biodiversity;
        - variety of habitats with a diversity of geologic features and types of vegetation;
        - Endangered habitat or species of plant or animal.
    - Preserve active agricultural use.
    - Provide opportunities for passive recreation and environmental education.
    - Protect or enhance wildlife corridors, promote connectivity of habitat or prevent fragmentation of habitats.
    - Provide connections with existing trails, protected open space or potential trail linkages.
    - Preserve scenic views.
    - Border a scenic road.

- Protect drinking water quantity and quality.
- Provide flood control/storage.
- Preserve and protect important surface water bodies, including streams, wetlands, vernal pools or riparian zones.
- Buffer for protected open space, or historic resources.

2. **Historic Preservation** proposals which address as many of the following criteria as possible will receive preference for funding:
    - Protect, preserve, enhance, restore and/or rehabilitate historic, cultural, architectural or archaeological resources of significance, especially those that are threatened.
    - Protect, preserve, enhance, restore and/or rehabilitate city-owned properties, features or resources of historical significance.
    - Protect, preserve, enhance, restore and/or rehabilitate the historical function of a property or site.
    - Demonstrates a public benefit.
    - Ability to provide permanent protection for the historic resource.

3. **Affordable Housing** proposals which address as many of the following criteria as possible will receive preference for funding:
    - Contribute to the goal of 10% affordability as defined by chapter 40B of Mass. General Laws.
    - Promote a socioeconomic environment that encourages a diversity of income.
    - Provide housing that is harmonious in design and scale with the surrounding community.
    - Intermingle affordable and market rate housing at levels that exceed state requirements for percentage of affordable units pursuant to chapter 40B.
    - Ensure long-term affordability.
    - Address the needs of range of qualified household, including very low, low and low- to moderate income families and individuals.
    - Provide affordable rental and affordable ownership opportunities.
    - Promote use of existing buildings or construction on previously-developed or city-owned sites.
    - Convert market rate to affordable units.

4. **Recreation** proposals which address as many of the following criteria as possible will receive preference for funding:
    - Support multiple recreation uses.
    - Serve a significant number of residents.
    - Expand the range of recreational opportunities available to city residents of all ages.
    - Jointly benefit Conservation Commission and Parks Commission initiatives by promoting recreation, such as hiking, biking, and cross-country skiing.
    - Maximize the utility of land already owned by city (e.g. school property).
    - Promote the creative use of railway and other corridors to create safe and healthful non-motorized transportation opportunities.

Order #2
July 11, 2011

CITY OF NEWBURYPORT, MASSACHUSETTS
Donna D. Holaday, Mayor

Office of the Mayor
60 Pleasant Street
Newburyport, MA 01950
Phone: 978-465-4413 • Fax: 978-465-4402

2011 JUL 6 A 11: 55
RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

To: President & Members of the City Council

From: Donna D. Holaday, Mayor

Date: July 6, 2011

Re: Bond Authorization – Capital Projects

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED: **Date:**

July 13, 2011

Information Technology with Phone Upgrade Plan Including Two Trucks

THAT the City of Newburyport appropriates the amount of six hundred and eight thousand, five hundred dollars ($608,500) for the purpose of paying for the cost of a city-wide information technology system including a replacement of the phone system. Furthermore, said amount to be used for the purchase of one Ford Truck (F550) and a Trackless MT6 Municipal Tractor for the Department of Public Service.

To meet this appropriation the City Council, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority.

Order #3
July 11, 2011

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

Date:
June 13, 2011

Nock Middle/Edward G. Molin Upper Elementary School

That the City of Newburyport appropriates the amount of five hundred thousand dollars ($500,000) Dollars for the purpose of paying costs for the Feasibility Study for the Rupert A. Nock Middle/Edward G. Molin Upper Elementary School building at 70 Low St., Newburyport, MA 01950 including the payment of all costs incidental or related thereto, and for which the City of Newburyport may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of *the School Building Committee*. To meet this appropriation the City Council, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the City and the MSBA.

Councilor Thomas E. Jones

In City Council June 13, 2011:
Motion to refer to Budget and Finance and Committee of the Whole by Councillor Jones, seconded by Councillor Cameron. 10 yes, 1 absent (Derrivan). So voted.
In City Council June 27, 2011:
Councillor Cameron motioned to remove from Budget and Finance Committee and Committee of the Whole, seconded by Councillor Derrivan. So voted.
Councillor Cameron moved to approve and order published, seconded by Councillor Derrivan, as read by the Clerk, order approved on a roll call vote, 10 yes and 1 absent (Hutcheson).

Order #4
July 11, 2011

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED: **Date:**

June 13, 2011

Francis T. Bresnahan Elementary School

That the City of Newburyport appropriates the amount of six hundred fifty thousand dollars ($650,000) Dollars for the purpose of paying the cost of the Feasibility Study for the Francis T. Bresnahan Elementary School at 333 High St., Newburyport, MA 01950, including the payment of all costs incidental or related thereto, and for which the City of Newburyport may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of *the School Building Committee*. To meet this appropriation the City Council, with the approval of the Mayor is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the City and the MSBA.

Councilor Thomas E. Jones

In City Council June 13, 2011:
Motion to refer to Budget and Finance and Committee of the Whole by Councillor Jones, seconded by Councillor Cameron. 10 yes, 1 absent (Derrivan). So voted.
In City Council June 27, 2011:
Councillor Cameron motioned to remove from Budget and Finance Committee and Committee of the Whole, seconded by Councillor Derrivan. So voted.
Councillor Cameron moved to approve and order published, seconded by Councillor Derrivan, as read by the Clerk, order approved on a roll call vote, 10 yes and 1 absent (Hutcheson).

ORDINANCES

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

Date:
July 11, 2011

AN ORDINANCE ENTITLED AN ORDINANE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

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

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-180	Resident Parking

Amend to read (g)(2):

Zone 1: Includes the following streets or portions thereof designated: Green Street, on the west side running in a northerly direction from Washington Street for a distance of 100 ft.

Washington Street, on the north side running in a westerly direction from Green Street for a distance of 120 ft.

Pleasant Street, both sides from the property at 66 Pleasant Street to Titcomb Street

Councillor Robert J. Cronin

Date: _____