CITY COUNCIL MEETING AGENDA - VERSION 3
August 11, 2014

7:30PM

(Sound Check)

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

CONSENT AGENDA

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

7. APPROVAL OF MINUTES

July 14, 2014 (Approve)

8. TRANSFERS

1. Health-Recycling & Energy RSV APP Solid Waste Fee $17,500 to Household Hazardous Waste $7,500, to Chipper Service $10,000 (Approve)

9. COMMUNICATIONS

1. Letter to Mayor from Councillor Vogel re Health Director (R&F)
2. Block Party Strong & Boardman Streets, Sept. 6, 2014 from 5 to 9pm (Approve)
3. Block Party Bricher, Hill & Cherry Streets, Aug. 16, 2014 from 4 to 9pm (Approve)
4. Knights of Columbus Tootsie Roll Fundraiser Sat. Oct. 11, 2014 at State & High Streets (Approve)
5. Conor McManamy request to sell reusable bags in Market Square (L&P)
6. Neurofibromatosis Northeast Coast to the Cure bike Ride Sept. 6, 2014 (PS)
7. Yankee Clipper Boy Scouts Pack 21 Popcorn Fundraiser Market Square Oct. 4, 8 & Nov. 1, 2014 (L&P)
8. Response from New Ventures re letter from City dated June 26, 2014 (R&F)
9. Alzheimer's Assoc. Boot drive at State & High Streets Aug. 30, 2014 (L&P)
10. Block Party Warren St. & Griffin & Cutter's Court, Sept. 20, 2014 from 3 to 10pm (Approve)
11. Intermunicipal Harbormaster Services Agreement (NCS)

10. APPOINTMENTS-First Reading

Appointment

1.	Sheila A. Mullins	7 Parsons Street	Trust Fund Commission	August 1, 2017
2.	Douglas Locy	17 Alberta Avenue	Planning Board	August 1, 2019
3.	Steven D. Hines	54 Ferry Road	Waterfront Trust Commission	August 1, 2019

Re-Appointment

4.	Richard J. O'Brien	41 Olive Street	Trust Fund Commission	April 1, 2017
5.	Stephen Dodge	57 Milk Street	Historical Commission	August 1, 2017

END OF CONSENT AGENDA

REGULAR AGENDA

11. APPOINTMENTS Second Reading

Re-Appointment

6.	John Ronan	21 Ferry Road	Council on Aging	May 31, 2019

12. COMMUNICATIONS

12. LATE FILE Mayor's Update

13. ORDERS

1. Licensed Contractor Bayberry Nurseries LLC
2. Transfer Inn Street park and Playground to Parks Commission
3. Abandon portion of Russell Terrace Ext.
4. Accept grant of drainage easements from Springwell Investments, LLC
5. Accept deed from Springwell Investments, LLC for fee
6. Order of Layout Morin Road and Richardson's Path

14. ORDINANCES

1. Second Reading Amend ORD Sec. 3-26-d Table of Designated Off Leash Areas
2. Second Reading Amend ORD Sec. 3-26 subsection e, Rules for Designated Off Leash Areas
3. Second Reading Amend ORD Zoning Section XII-B, Harbormaster Facility
4. Second Reading Amend ORD Zoning Section XXVII-E and F (downtown overlay district)
5. Second Reading Amend ORD Zoning Section XXVIII, Demolition control overlay district
6. Second Reading Amend ORD Sec 12-97 Road Races
7. Second Reading Amend ORD Sec 13-174 State Street
8. Second Reading Amend ORD Sec 13-168 Parking Restricted Fair Street
9. Second Reading Amend ORD Sec 13-180 Sec. (g(2)) Zone 2 Add Fair Street
10. Second Reading Amend ORD Sec 13-187 Speed Limits
11. Second Reading Amend ORD Sec 13-179 Handicap Parking Woodland St.
12. Amend ORD Sec 13-168 Parking restricted Olive Street
13. Amend Zoning ORD Medical Marijuana Treatment Center

15. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Mayor letter regarding Order for Revolving Fund Expenses **03/17/2014*
2. Order Amend Revolving Fund expenses **03/17/2014*
3. Order Home Rule Petition- supplementing education budget (COTW) **05/12/2014*
4. Amend ORD Ch. 2 Section 2-45 City Council Salary **05/12/2014*
5. Amend ORD Ch. 2 Section 2-61A School Committee Salary **05/12/2014*

General Government

In Committee:

1. Mayor's Update **06/09/2014*
2. Order Reallocation of Bresnahan Bonding Athletic Fields **07/14/2014*
3. Resolution for Special Election **07/14/2014*

Joint Education

In Committee:

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

License & Permits

In Committee:

1. Movable Sign Application Newburyport Brewing Company **02/10/2014*
2. Amend Ch.6.5, Article III Plastic Bags (NCS & COTW) **03/17/2014*
3. Amend ORD Sec. 9-114 Transient Vendors Restricted Areas **04/28/2014*
4. Letter regarding transient vendor licensing **06/30/2014*
5. Letter Health Department enforcement (COTW) **06/30/2014*

Neighborhoods and City Services

In Committee

1. Amend Ch.6.5, Article III Plastic Bags (L&P, COTW) *03/17/2014*04/28/2014
2. Market Basket Letter re: plastic bags *05/12/2014

Planning & Development

In Committee:

1. Letter from Newburyport Preservation Trust *03/31/2014

Public Safety

In Committee:

1. 4th annual 5k run/walk for Ovarian Cancer Sept. 28, 2014 *06/30/2014
2. Green Stride ½ Marathon October 26, 2014 *06/30/2014
3. River Run ½ Marathon and 5k, May 31, 2015 *06/30/2014
4. Citizen's petition reconsideration Franklin Street "no parking" zone *06/30/2014
5. 2nd Annual Pumpkin Patch request Jeanne Geiger Crisis Center *07/14/2014

Public Utilities Committee

In Committee:

1. Stormwater Permitting Status Update *05/12/2014
2. Letter from Daniel Eyink, MD regarding water fluoridation *05/27/2014
3. Energy Advisory Committee letter regarding lights on private property *06/30/2014

Rules Committee

16. GOOD OF THE ORDER

17. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES - VERSION 1
July 14, 2014

Franklin Street Hearing 7:00pm

The meeting was called to order at 7:00 pm. The Assistant City Clerk read the roll. The following Councillors answered present: Cameron (7:20pm), Connell, Cronin, Eigerman, Heartquist, Herzog, Kinsey, Tontar, Vogel, O'Brien. 10 present, 1 absent (Giunta). The Assistant City Clerk read the notice and petition. Three people spoke in favor; Renee Pappa, Steve Cahill, and Martin Feerick. Three people spoke against; Johanna Korst, Kevin Kozuchowski, and Pam Deren. The hearing closed at 7:30pm.

National Grid Public Hearing 7:30pm

National Grid installation of underground facilities at 21 – 124 Merrimac Street.
At 7:30pm President O'Brien called the hearing to order. The Assistant City Clerk read the roll, 10 present, 1 absent (Giunta). The Assistant City Clerk read the notice of public hearing for the placement of underground electric conduits, including the necessary sustaining and protecting fixtures. President O'Brien asked for those in favor. David Bouchard spoke for National Grid. President O'Brien asked for those against. None. The hearing was closed at 7:35pm. **Motion to approve by Councillor Herzog, seconded by Councillor Vogel. Roll call vote, 10 Yes, 1 absent (Giunta). Motion approved.**

CITY COUNCIL MEETING

Council President O'Brien called the meeting to order at 7:40 pm. A moment of silence was held for Donald Kudym. This was followed by the Pledge of Allegiance. He then instructed the Assistant City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Eigerman, Heartquist, Herzog, Kinsey, Tontar, Vogel, O'Brien. 10 present, 1 absent (Giunta).

1. **LATE FILES –** Communication #6, Orders #3 and 4, 3 Committee Items
   Motion to waive the rules and allow the late files by Councillor Cameron, seconded by Councillor Connell. 10 yes, 1 absent (Giunta). So voted.

2. **PUBLIC COMMENT**

1) Conor McManamy	210 High Street	General
2) Jeffrey Brunelle	Salvation Army	Public Safety 7 & 8

3. **MAYOR'S COMMENT - None**

CONSENT AGENDA

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4. **APPROVAL OF MINUTES**
   June 30, 2014 (Approved)

5. **TRANSFERS**
   1. Mayor Gen'l Fund $7,890 to School Expenses $7,890 (Removed)

Removed by Councillor Herzog.

6. **COMMUNICATIONS**
   1. Block Party Highland Ave/Lafayette/Anna Jaques July 28, 2014 (Approved)
   2. Block Party Congress Street from Buck to Dove August 2, 2014 (Approved)
   3. Block Party 54th Street August 9, 2014 (Approved)
   4. Whittier Reg. Voc. Tech. HS 2014-15 Budget Assessment (Removed)

Removed by Cronin.

7. **APPOINTMENTS-First Reading**

Re-Appointment

1. John Ronan	21 Ferry Road	Council on Aging	May 31, 2019

END OF CONSENT AGENDA

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

REGULAR AGENDA

8. TRANSFERS

7. Mayor Gen'l Fund $7,890 to School Expenses $7,890

Motion to approve by Councillor Herzog, seconded by Councillor Cameron. So voted.

9. COMMUNICATIONS

4. Whittier Reg. Voc. Tech. HS 2014-15 Budget Assessment

Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted.

6. LATE FILE 2nd Annual Pumpkin Patch request Jeanne Geiger Crisis Center

Motion to refer to Public Safety by Councillor Cameron, seconded by Councillor Herzog. So voted.

10. APPOINTMENTS - Second Reading

Appointment

2.	Rich Traister, MD	325 Merrimac Street	Disabilities Commission	June 30, 2017

Re-Appointment

3.	Brian Brunault	83 Garden St, W. Newbury	Constable for Civil Business	July 1, 2017
4.	Daniel Scott	4 Ferry Rd, Methuen	Harbor Master & Special Police Off.	April 15, 2017

Motion to approve 2nd readings collectively by Councillor Cronin, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Giunta). So voted.

11. ORDERS

1. Licensed Contractor Waveguide Inc.

Motion to approve by Councillor Herzog, seconded by Councillor Cameron. So voted.

2. Acceptance of grant from Bethany Masonic Lodge $1,000 for Nock-Molin baseball diamond

Motion to accept by Councillor Tontar, seconded by Councillor Cameron. So voted.

3. **Late File** Order Reallocation of Bresnahan Bonding Athletic Fields

Motion to refer to Budget & Finance by Councillor Cameron, seconded by Councillor Tontar. Motion withdrawn. Motion to refer to General Government by Councillor Vogel, seconded by Councillor Kinsey. So voted.

4. **Late File** Resolution for Special Election

Motion to refer to General Government by Councillor Cameron, seconded by Councillor Vogel. So voted.

12. ORDINANCES

1. Second Reading Amend ORD Ch.13 Section 13-179 Waterfront Trust Lot Handicapped Parking

Motion to approve 2nd reading by Councillor Cameron, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Giunta). So voted.

2. Second Reading Amend ORD Ch.13 Sec 13-179 Handicap Parking Lime St

Motion to approve 2nd reading by Councillor Herzog, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Giunta). So voted.

13. COMMITTEE ITEMS

Budget & Finance

In Committee:

1.	Mayor letter regarding Order for Revolving Fund Expenses	**03/17/2014*
2.	Order Amend Revolving Fund expenses	**03/17/2014*
3.	Order Home Rule Petition- supplementing education budget (COTW)	**05/12/2014*
4.	Amend ORD Ch. 2 Section 2-45 City Council Salary	**05/12/2014*
5.	Amend ORD Ch. 2 Section 2-61A School Committee Salary	**05/12/2014*
6.	DPS Water Retained Earnings $400,000 to Upper Artichoke Dam Proj. $400,000	**06/30/2014*

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

7. GenFd Free Cash $29,525 to Roadwork & Paving $29,525 **06/30/2014*

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

8. GenFd Free Cash $19,661.79 to Green Initiatives Fd $19,661.79 **06/30/2014*

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

9. DPS Water Ret'd Earnings $420,000 to FY2015 Budget Reserve $420,000 **06/30/2014*

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

10. DPS Sewer Ret'd Earnings $315,000 to FY2015 Budget Reserve $315,000 **06/30/2014*

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

11. Police Superiors Negotiation Tentative Agreement **06/30/2014*

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

12. Human Resources Dependent Audit **06/30/2014*

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

General Government

In Committee:

1. Amend Order Loan Appropriation for Bresnahan Project from Aug. 13, 2012 (COTW) **06/09/2014*
2. Resolution and Order for next special election ballot question (COTW) **06/09/2014*

Motion to remove collectively items 1 & 2 from General Government by Councillor O'Brien, seconded by Councillor Herzog. So voted. Motion to receive and file collectively items 1 & 2 by Councillor O'Brien, seconded by Councillor Kinsey. So voted.

3. Mayor's Update **06/09/2014*

Joint Education

In Committee:

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

License & Permits

In Committee:

1. Movable Sign Application Newburyport Brewing Company **02/10/2014*
2. Amend Ch.6.5, Article III Plastic Bags (NCS & COTW) **03/17/2014*
3. Amend ORD Sec. 9-114 Transient Vendors Restricted Areas **04/28/2014*
4. A Frame Sign Request on Inn Street near fountain for Pandora's Box **06/09/2014*

Motion to remove by Councillor Heartquist, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Heartquist, seconded by Councillor Cameron. So voted.

5. Letter regarding transient vendor licensing **06/30/2014*
6. Letter Health Department enforcement (COTW) **06/30/2014*

Neighborhoods and City Services

In Committee

1. Amend Ch.6.5, Article III Plastic Bags (L&P, COTW) **03/17/2014*
2. Amend ORD Sec. 3-26-d Table of Designated Off Leash Areas **04/28/2014*

Motion to remove by Councillor Connell, seconded by Councillor Herzog. So voted. Motion to approve 1st reading as amended and order published by CouncillorConnell, seconded by Councillor Kinsey. Roll call vote, 9 yes, 1 no (O'Brien), 1 absent (Giunta). So voted.

3. Amend ORD Sec. 3-26 subsection e, Rules for Designated Off Leash Areas **04/28/2014*

Motion to remove by Councillor Connell, seconded by Councillor Kinsey. So voted. Motion to approve 1st reading and order published by CouncillorConnell, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 absent (Giunta). So voted.

4. Market Basket Letter re: plastic bags **05/12/2014*

Planning & Development

In Committee:

1. Letter from Newburyport Preservation Trust **03/31/2014*
2. Amend ORD Zoning Section XII-B, Medical Marijuana treatment center **05/27/2014*

Motion to remove by Councillor Cameron, seconded by Councillor Herzog. So voted. Motion to approve 1st reading as amended and order published by CouncillorConnell, seconded by Councillor Kinsey. Roll call vote, 7 yes, 2 no (Tontar, Vogel), 2 absent (Cronin, Giunta). Motion failed.

3. Amend ORD Zoning Section XII-B, Harbormaster Facility **05/27/2014*

Motion to remove by Councillor Cameron, seconded by Councillor Herzog. So voted. Motion to approve 1st reading as amended and order published by CouncillorCameron, seconded by Councillor Herzog. Roll call vote, 10 yes, 1 absent (Giunta). So voted.

4. Amend ORD Zoning Section III, Floodplain Overlay District (FEMA Map) **05/27/2014*

Motion to remove by Councillor Cameron, seconded by Councillor Herzog. So voted. Motion to waive the rules and adopt the proposed Zoning Amendment regarding FEMA/FIRM map references, City council Planning & Development Committee docket number 4 ("Amend ORD Zoning Section III, Floodplain Overlay District") in ONE expedited reading this evening due to the July 16th federal deadline for adoption of the new FEMA flood maps by local communities, required for continued participation in the National Flood Insurance Program (NFIP), whereas failure to take such action could result in a public health and safety emergency involving both public and private property by Councillor Cameron, seconded by Councillor Connell. Roll call vote, 10 yes, 1 absent (Giunta). So voted.

5. Amend ORD Zoning Section XXVII-E and F (downtown overlay district) **05/27/2014*
6. Amend ORD Zoning Section XXVIII, Demolition control overlay district **05/27/2014*

Motion to remove collectively items 5 & 6 by Councillor Cameron, seconded by Councillor Connell. So voted. Motion to approve 1st reading and order published collectively items 5 & 6 by Councillor Cameron, seconded by Councillor Connell. Roll call vote, 9 yes, 1 no (O'Brien), 1 absent (Giunta). So voted.

Public Safety

In Committee:

1. 4th annual 5k run/walk for Ovarian Cancer Sept. 28, 2014 **06/30/2014*
2. Green Stride ½ Marathon October 26, 2014 **06/30/2014*
3. River Run ½ Marathon and 5k, May 31, 2015 **06/30/2014*
4. Citizen's petition reconsideration Franklin Street "no parking" zone **06/30/2014*
5. Amend ORD Sec 12-97 Road Races **06/30/2014*

Motion to remove by Councillor Cronin seconded by Councillor Herzog. So voted. Motion to approve 1st reading and order published by Councillor Cronin, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Giunta). So voted.

6. Amend ORD Sec 13-174 State Street **06/30/2014*

Motion to remove by Councillor Cronin seconded by Councillor Cameron. So voted. Motion to approve 1st reading and order published by Councillor Cronin, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Giunta). So voted.

7. Amend ORD Sec 13-168 Parking Restricted Fair Street **06/30/2014*
8. Amend ORD Sec 13-180 Sec. (g(2)) Zone 2 Add Fair Street **06/30/2014*

Motion to remove collectively items 7 & 8 by Councillor Cronin, seconded by Councillor Cameron. So voted. Motion to approve 1st reading and order published collectively items 5 & 6 by Councillor Cronin, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Giunta). So voted.

9. Amend ORD Sec 13-187 Speed Limits **06/30/2014*

Motion to remove by Councillor Cronin seconded by Councillor Cameron. So voted. Motion to approve 1st reading as amended and order published by Councillor Cronin, seconded by Councillor Connell. Roll call vote, 10 yes, 1 absent (Giunta). So voted.

10. Amend ORD Sec 13-179 Handicap Parking Woodland St. **06/30/2014*

Motion to remove by Councillor Cronin seconded by Councillor Cameron. So voted. Motion to approve 1st reading and order published by Councillor Cronin, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Giunta). So voted.

Public Utilities Committee

In Committee:

1. Stormwater Permitting Status Update **05/12/2014*
2. Letter from Daniel Eyink, MD regarding water fluoridation **05/27/2014*
3. Energy Advisory Committee letter regarding lights on private property **06/30/2014*

Rules Committee

14. GOOD OF THE ORDER - Discussion of cancelling the July 28, 2014 Council meeting

Motion to cancel the July 28, 2014 meeting by Councillor Connell, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Giunta). So voted.

15. ADJOURNMENT

Councillor Cameron moved to adjourn, seconded by Councillor Herzog at 9:08pm. So Voted.

TRANSFERS

Transfer #1
Aug. 11, 2014

City of Newburyport
FY 2015
BUDGET TRANSFER REQUEST

RECEIVED
BY CLERK'S OFFICE
NEWBURYPORT, MA

2014 AUG -5 A 10: 22

Department: Health- Recycling and Energy

Submitted by: Molly Ettenborough **Date Submitted:** 8/5/2014

Transfer From:

Account Name	RSV- APP Solid Waste Fee	YTD Bal:	$ 271,500.26
Account Number:	2747-59600	Trans In:	$ -
Amount:	$17,500.00	Trans Out:	$ -
Why are Funds Available:	*Funded through compost sticker fees and recycling rebate.*		

This transfer is the standard method for moving funds from Reserve for Appropriation accounts.

Transfer To:

Account Name	Household Hazardous Waste	YTD Bal:	$ -
Account Number:	01519002-53424	Trans In:	$ -
Amount:	$7,500.00	Trans Out:	$ -
Why are Funds Required:	*To fund hazardous waste removal and disposal. This account is funded by the Solid Waste Fee Reserve for Appropriation Fund.*		

Transfer To:

Account Name	Chipper Service	YTD Bal:	$ -
Account Number:	01519002-52813	Trans In:	$ -
Amount:	$10,000.00	Trans Out:	$ -
Why are Funds Required:	*To fund estimated costs for yard waste removal. This account is funded by the Solid Waste Fee Reserve for Appropriation Fund.*		

Donna D. Holaday, Mayor — Donna D Holaday — Date: 8/5/14

Ethan R. Manning, Auditor — Ethan R. Manning — Date: 8/5/14

City Council Approval: (Stamp)

COMMUNICATIONS

Communication #1
Aug. 11, 2014

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2014 JUL 31 A 10: 16

July 27, 2014

Mayor Donna Holaday
City Council President Thomas F. O'Brien
Newburyport City Councilors
City Hall
60 Pleasant Street
Newburyport, MA 01950

Re: June 24, 2014 License and Permits Committee meeting with Health Director, Bob Bracey

Dear Mayor Holaday, President O'Brien and Members of the Council,

The License and Permits Committee convened the meeting with the Health Director and no follow up actions or deliberations have taken place. And now, as the Mayor has indicated a meeting with BOH chair, Robin Blair, is imminent, it is with a sense of urgency that this report is prepared without consultation or collaboration by others.

The purpose of this report is to provide a narrative for the councilors who were not present, to provide a reference for the Mayor and to continue the effort of helping the Health Director "*draft an approach that presents Newburyport as a community welcoming to business.*"

Meeting notes:

1) The meeting failed to meet the objective of "*draft[ing] an approach that presents Newburyport as a community welcoming to business.*" and resulted in the BOH declaring policy which further isolates the HD and the BOH from the business community.

   BOH Chairman Blair's July 17th email response to a follow-up email question directed to the HD regarding his demand that Atomic Café employees wear uniforms serves as evidence of the further isolating policy -

   Councilor Vogel:

   I understand that you still have concerns regarding the policies and procedures of the Newburyport Dept. of Health. As discussed at the recent City Council subcommittee hearing, the BOH requests that these concerns be addressed by the Board rather than its employees, i.e. the Director. You are invited to present any concerns before the Board at its next scheduled meeting. You may contact the admin. asst. of the Board to be placed on the agenda. Also if an individual or establishment has concerns the Board would prefer to hear first hand what these concerns are rather than relying on hearsay.

   Robin S. Blair, O.D.
   Chairman, BOH

   The HD responded to my inquiry by sending a reference from the U.S Department of Health and Human Services Food and Drug Administration 1999, Federal Food Code Public Health Reasons / Administrative Guidelines where the word *uniform* does not appear.

Outer Clothing -2-304.11 Clean Condition.

Food employees shall wear clean outer clothing to prevent contamination of food, equipment, utensils, linens, and single-service and single-use articles. - Dirty clothing may harbor diseases that are transmissible through food. Food employees who inadvertently touch their dirty clothing may contaminate their hands. This could result in contamination of the food being prepared. Food may also be contaminated through direct contact with dirty clothing. In addition, employees wearing dirty clothes send a negative message to consumers about the level of sanitation in the establishment.

The HD also sent the follow-up email:

"In keeping with the positive spirt of the meeting and what was agreed upon on by all City Council and Board of Health members present as a consensus, was that any further questions or concerns be addresses in the proper manner and form to the proper board as those questions and concerns relate to."

The HD assertions that "*what was agreed upon on by all City Council and Board of Health members present as a consensus*", is not an accurate portrayal of what took place.

2) Though not invited, the BOH positioned themselves as participants and attempted to end the meeting before it began.

   Both BOH Chair Blair and the Board's accompanying attorney (Cheryl Sbarra, Senior Staff Attorney, Massachusetts Association of Health Boards) declared the calling of the HD before Council as *"being outside the purview of Council because the HD works for the BOH"*.

   After receiving clarification from Peter Lombardi that the HD is a union-represented employee of the city and as such is subject to Section 2-7 of the Home Rule Charter, the meeting continued.

3) The HD was well prepared with stacks of detailed information on all the cases outlined in the Committee's letter addressed to him.

   Unfortunately, the premise of the meeting – *"There have been numerous concerns, questions, complaints and frustrations expressed to me by members of the community in regard to the manner of enforcement and approach by the Director of Public Health, Robert Bracey."*, was never discussed because the BOH stepped in to response whenever possible.

4) The BOH collectively scoffed at the notion that business owners are afraid of retaliation by the HD if they complain publically and further scoffed at what was called anecdotal evidence presented by the Committee.

   Despite every effort to convince the BOH that the business community's perception of the HD is far from positive and that it is retaliatory The Board refused to explore the idea that "perception is reality".

   The BOH equated themselves to *"being the [health] police, without guns"* and shunned and was appalled at the notion that they should in any way *"be like a Chamber of Commerce"*.

This cold, staunch enforcement and "if you want answers, get yourself on the agenda of our next meeting" approach is contrary to the goal of creating a business friendly environment that will attract and welcome businesses to Newburyport.

If the BOH wishes to be in line with our police department, they may find it worthwhile to reference a recently published book titled *Legendary Locals of Newburyport (Kathleen M. Downey; Arcadia Publishing 2014),* where Marshal Thomas Howard comments on his approach to community policing: "*Interacting with the community one-on-one is really great at breaking down barriers. I like to see what's going on and say hello to people. At the end of the day, what's important is helping fellow human beings*".

5) Discussed was the fact that there is no or low attendance at BOH meetings. This was verbalized as *"Where are all these complainers, no one comes to our meetings."*

   Further research on this point reveals that BOH meeting postings lack agenda items and, anecdotally, from those who attend the meetings, they are long, uneventful and most importantly, non-participatory.

   And again, the board refuses to accept the notion that businesses are afraid of retaliation.

6) The discussion turned to the insistence by the HD that food businesses must have monthly rodent inspections and the following clause was presented -

   (Spelling and tense as written) - *2.8.006 REQUIRED INTERGRATED PEST MANAGEMENT (IPM) All food establishments must employee a licensed pest control contractor for year round service to assure good integrated pest management practices. Receipts for services must be kept for one year. These receipts must be kept on premises for the inspector's review.*

   When questioned numerous times as to where the regulation states "monthly", the HD stated *"That is the interpretation from the Board"* and Blair responded, *"If you want, I'll change 'year round' to monthly"*.

In conclusion, the Board and the HD refused to accept any notion that change was necessary. An entrenched BOH and an isolated HD have indicated no interest in anything other than staunch enforcement.

As late as six days earlier from the date of this report, the HD was heard telling a newly establishing food service operator *"That's the way it is. If you want to apply to have it differently, you need to get on the agenda of the BOH and that will delay your opening"*.

Respectfully submitted,

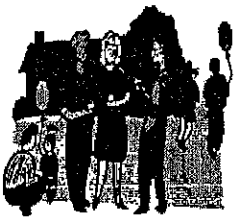
Bruce L. Vogel

Bruce L. Vogel
Newburyport City Councilor At Large

Communication #2
Aug. 11, 2014

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2014 JUL -9 P 2:42



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: 7/1/14

CONTACT INFORMATION

FIRST AND LAST NAME: Max Lane

MAILING ADDRESS: 16 Strong St.

PHONE NUMBER: (508) 269-6800 cell

E-MAIL ADDRESS: mlane68@hotmail.com

BLOCK PARTY INFORMATION

BLOCK PARTY DATE: 9/6/14

DESIRED STREET CLOSING LOCATION: Atkinson St. between Strong + Beardman Sts.
Please indicate cross streets when requesting the closing of street sections

STREET TO BE BARRICADED: Atkinson St.

DESIRED STREET CLOSING TIME: 5 PM – 9 PM
Block Parties should run no later than 10:00 p.m.

REGULATIONS

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

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

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

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

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

Applicant Signature [signature] Date July 8, 2014

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHALL [signature]
4 Green Street
FIRE CHIEF [signature]
Greenleaf Street
DEPUTY DIRECTOR [signature] DPS DIR
1 Perry Way
CITY CLERK [signature]
60 Pleasant St.

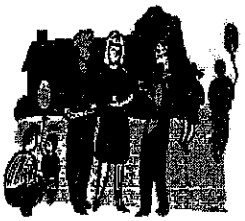
City use only:

Approved_____-Denied_____Date_____

Communication #3
Aug. 11, 2014

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2014 JUL -9 A 8:39



CITY OF NEWBURYPORT
60 PLEASANT STREET
NEWBURYPORT, MA 01950

BLOCK PARTY APPLICATION

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

DATE OF REQUEST: 6/30/14

CONTACT INFORMATION

FIRST AND LAST NAME: Patty Spalding for Back Bay Rte 1 Neighborhood Assn.

MAILING ADDRESS: 5 Bricher St.

PHONE NUMBER: NDPT 978-239-7742

E-MAIL ADDRESS:

BLOCK PARTY INFORMATION

BLOCK PARTY DATE: Sat. Aug. 16, 2014

DESIRED STREET CLOSING LOCATION: Bricher + Hill Cherry St @ Cherry St. Ext.
Please indicate cross streets when requesting the closing of street sections

STREET TO BE BARRICADED: Bricher + Slope on Cherry

DESIRED STREET CLOSING TIME: 4:00pm 9:00pm
Block Parties should run no later than 10:00 p.m.

REGULATIONS

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

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

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

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

1. All residents living on the street or block for which the party is planned request the Block party, or have been contacted and do not object to the Block Party.
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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 Patty Spalding Date 6/30/14

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHALL Thomas Howard
4 Green Street
FIRE CHIEF Deputy Broadby
Greenleaf Street
DEPUTY DIRECTOR Anthony Parisi DPS Dire.
1 Perry Way
CITY CLERK
60 Pleasant St.

City use only:

Approved_____ -Denied_____ Date_____

Communication #4
Aug. 11, 2014

Mr. Richard S Jones

Newburyport City Council

City hall

60 Pleasant St.

Newburyport, Ma 01950

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2014 JUL 14 P 1:17

July 14, 2014

Dear Sir,

The Knights of Columbus, Council 231 of Newburyport respectfully requests permission to conduct its annual Tootsie Roll fund raiser on Saturday, October 11th 2014 at the intersection of State St and High St. from 9:00 am to 1pm. In case of inclement weather the Knights also request permission to conduct this event the following weekend, October 18th as an alternative date.

The Knights have held this event at this location for many years and this location is critical for its success. The fund raised are directed to help all children with physical and mental challenges.

If you have any problems or if there is a problem, please contact Frank Ventura at 978 462 3652.

The Knights of Columbus would like to thank you and the other members of the City Council in advance for your continued support of this worthwhile event.

Sincerely,

Frank D Ventura

Communication #5
Aug. 11, 2014

Dear Newburyport City Council,

July 10th, 2014

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2014 JUL 15 P 1:18

I am a 17 year old high school kid in Newburyport doing a reusable bag environmental project. I am selling reusable bags as a nonprofit venture to benefit Sierra Club. After selecting a bag type, raising money to buy the bags, and designing a personalized image to promote Newburyport's efforts towards sustainability, we are now ready to sell the bags cheaply all over town to businesses and residents alike (at $2 each). The bags being sold at close to cost, we will donate any profits we make to the Sierra Club of Massachusetts.

I would like to be able to set up a table in Market Square to sell the bags. Ideally, I would be there selling the bags part-time on up to 20 days this summer. Please let me know what the next steps are to get permission to continue this project.

Thank you,

Conor McManamy
Better Bags for Newburyport
betterbagsfornbpt@gmail.com

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2014 JUL 15 P 1:18

Communication #6
Aug. 11, 2014

Neurofibromatosis Northeast

9 Bedford Street ~ Burlington, MA 01803

781-272-9936 ~ info@nfincne.org

www.nfincne.org

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2014 JUL 17 P 4:08

Committee
Ben Buttrick
Kevin McKelvey
Co-Chairpersons

Alex Cellucci
Michelle Donovan
John Duff
Megan Duff
Jill Tozza Feeney
Peter Gentile
Tracy Kelley
Chanda McKee
Kevin McKelvey
Elaine Powers
Steve Shelgren

March 17, 2014

Bob Cronin
City Council
City Hall
PO Box 550
Newburyport, MA 01950

Dear Bob,

On behalf of Neurofibromatosis Northeast, I am seeking permission once again to include your city in our route for the upcoming Coast to the Cure bike ride. Coast to the Cure takes place on Saturday, September 6, 2014. The ride starts and finishes from Stage Fort Park in Gloucester. The event consists of three prescribed routes (24, 66 and 100 miles) encompassing 18 communities: Beverly, Ipswich, Wenham, Hamilton, Essex, Manchester, Georgetown, Groveland, North Andover, Boxford, Middleton, Topsfield, Rowley, Haverhill, Amesbury, Merrimac, Newbury and Newburyport.

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

The route through Newburyport involves the following roads:

Cross Chain Bridge, left on Merrimack Street, right on Kent Street, stop at rest stop, turn around, right on Kent Street, right on Merrimack Street/Water Street, right on Ocean Street

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

In addition to seeking permission to traverse through the city we are also requesting the use of the Cushing Park parking lot as a water stop from approximately 10am-2pm.

Thanks so much for your consideration.

Sincerely,

Sonja Nathan
Director of Special Events

thomasobrien11@aol.com

Communication #7
Aug. 11, 2014

Dear Mr. O'Brien and members of the City Council,

I am representing Yankee Clipper Council's Boy Scouts of America Pack 21 as their Popcorn Fundraising Chair. The Popcorn Fundraiser is the only fundraiser we have and it supports our annual operating budget. Please see attached Parent Information Sheet for more information as to the benefits of our fundraising and methods of selling.

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2014 JUL 28 A 11: 30

We are requesting use of space at Market Square to set up a couple of tables for what we call a "Show and Sell". With six dens in Pack 21, we would like to allow two dens per day and requesting a total of three days from 9am-3pm:

Saturday, October 4, 2014
Saturday, October 18, 2014
Saturday, November 1, 2014

Having a Show and Sell that each Den in our Pack can participate in, is a great way for our Scouts to learn how to interact with adults while also representing scouting in our community. Will you support scouting by allowing us the space we are requesting?

We appreciate your consideration! Please contact Jennifer Casco, Pack 21 Popcorn 'Kernel' at 978-761-9199 or email: jenm100@hotmail.com if further clarification is necessary. You can also call the Cub Master, Mr. Tim Conway at 978-807-0744 with questions as well.

Sincerely,

Jennifer Casco
Pack 21, Popcorn Kernel
Yankee Clipper Council Boy Scouts of America

Communication #8
Aug. 11, 2014

LYNCH, DESIMONE & NYLEN, LLP
ATTORNEYS AT LAW
10 POST OFFICE SQUARE, SUITE 970N
BOSTON, MASSACHUSETTS 02109

Telephone: (617) 348-4500
Facsimile: (617) 348-4545

JOHN M. LYNCH, P.C.
ERNEST P. DESIMONE
RICHARD A. NYLEN, JR.
STEPHEN W. DECOURCEY
SHANNON MICHAUD

Email: RNylen@ldnllp.com

OF COUNSEL

JAMES W. MURPHY
WAYNE H. SCOTT

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2014 JUL 23 P 1:58

July 10, 2014

Via Email & First Class Mail

John A. Carrigan, Chief
Solid Waste Management Program
DEP-Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887

Re: NEWBURYPORT – Solid Waste, Crow Lane Landfill; FMF No. 39545; Paragraph 27 Notice; Operation of Landfill Gas System and Final Cap

Dear Mr. Carrigan:

New Ventures Associates, LLC ("New Ventures) is in receipt of your letter dated June 26, 2014 issued under Paragraph 27 of the Judgment, stating that the Department is considering exercising its rights under Paragraph 27 of the Final Judgment in the above-referenced matter with respect to the Landfill gas extraction and control system.

Please be advised that New Ventures representatives started the flare following receipt of the notice, started the flare again last weekend and again yesterday, July 9, 2014. The flare has run intermittently, influenced recently by the amount of gas available. The Department is well aware that the flare has been cycled for some time to reflect and adjust to the amount of gas remaining as well as the flow. In addition, New Ventures has retained Blue Granite Environmental Consultants to attempt to determine how to cycle the flare efficiently. New Ventures has spent considerable monies with Blue Granite and others to address the operation of the flare. To date, New Ventures has been able to cycle the flare on a periodic basis to avoid any public health impacts.

We believe that access by the Department under Paragraph 27 is premature for the following reasons:

1. The operation of the Landfill flare has been addressed on an ongoing basis by New Ventures. The system has been operating without any off-site odors. Further, Hugo walked the entire site yesterday, July 9, 2014 and did not smell any odors on-site at the Landfill.

2. The blower fan has been repaired and has not affected the Landfill gas system or the gas collection system and does not prevent the system from operating in full compliance. New Ventures has ordered parts for further repair.

3. The condensate knockout tank has been repaired. It is not preventing the Landfill gas system or the gas collection system from operating in compliance with the Order.

4. The auto dialer telephone line had recent problems. It has been programmed to contact the Department as well as the Operator with respect to the flare and shutdown. The auto dialer is not necessary to operate the flare and is not integral to the collection and treatment of Landfill gas or operating in compliance with the performance standards and Appendix B.*

5. The chart recorder merely records temperature and flow and is not necessary to the operation of the flare or the gas collection system to treat the gas.*

6. The flow meter also details information required by the Order and is not related to the actual functioning of the gas system or gas collection system.*

7. New Ventures will submit a report with respect to May 6, 2014.

8. New Ventures will take steps to bring the electrical connection up to code, if necessary.

New Ventures' personnel familiar with the flare and the Landfill went to the site again yesterday. The flare was started and ran for two (2) hours when the gas cycled off. During this time, Hugo walked the entire Landfill and did not smell any odors. New Ventures will continue to work with its technicians and personnel to adjust the cycling to reflect the amount of Landfill gas. New Ventures is committed to finding the correct balance for operating and cycling the flare.

We remain available to answer any other questions.

Sincerely,

Richard A. Nylen, Jr., Esq.

RAN/kad

* New Ventures will be meeting with Blue Granite Environmental Consultants to discuss proposals for the repair/purchase/calibration of these various pieces of equipment.

cc: Mr. Eric Worrall
Mr. William Thibeault
Matthew C. Ireland, Esq.
Mr. Michael Quatromoni
The Honorable Donna D. Holaday, Mayor

H:\Thibeault, William\SUCV2006-0790\Letter to Carrigan re Paragraph 27 Notice 07-09-14.docx

Communication #9
Aug. 11, 2014

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2014 AUG -1 A 10: 25

July 31, 2014

To: Newburyport City Council

The past five years we have had very successful Boot Drives for the Alzheimer's Association MA/ NH Chapter. The response has been very positive .We would like to request another opportunity to raise awareness and collect for the Alzheimer's Association.

What:	A Boot Drive with two to four people and appropriate signs and identification
Where:	The intersection State Street and High Street
For:	Alzheimer's Association MA/NH Chapter 480 Pleasant Street Watertown, MA 02472 Tax identification number - 042731194
Contact:	Angela Floro Development Officer, Special Events Alzheimer's Association MA/NH Chapter Tel: 617 393 2026 Angela.Floro@alz.org
When:	Sat. August 30, 2014

Thank you

Dale Granger-Eckert
Dale Eckert

89 Lime Street
Newburyport, MA 01950
978-462-9979
dalesx2@comcast.net

Communication #10
Aug. 11, 2014

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2014 AUG -5 P 2:13

2014 AUG

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: 8/1/14

CONTACT INFORMATION

FIRST AND LAST NAME: Sharon Cassily

MAILING ADDRESS: 44 Warren ST.

PHONE NUMBER: 978-273-6575

E-MAIL ADDRESS: mann.sharon@comcast.net

BLOCK PARTY INFORMATION

BLOCK PARTY DATE: Sept. 20, 2014 (Rain date Sept. 21, 2014)

DESIRED STREET CLOSING LOCATION: Between 29 + 37 Warren ST.
Please indicate cross streets when requesting the closing of street sections Griffin + Cotters Court

STREET TO BE BARRICADED: Yes

DESIRED STREET CLOSING TIME: 3:00 PM — 10:00 PM
Block Parties should run no later than 10:00 p.m.

AMPLIFIED MUSIC: ✓ YES _____ NO

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:

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9. No residents of the area designated shall be prohibited from attending the party.
10. No such act ivity 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. Onl y 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 Sharon Cassidy Date 8/1/14

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHAL 8/5/14 Lt Siemasko
4 Green Street

FIRE CHIEF 8/4/14
Greenleaf Street

DEPUTY DIRECTOR 8/5/2014
1 Perry Way

CITY CLERK
60 Pleasant St.

City use only:

Approved_____ -Denied_____ Date_____

INTERMUNICIPAL AGREEMENT
HARBOR MASTER SERVICES

This Inter-Municipal Agreement (hereinafter "IMA" or "Agreement"), dated _____, 2014, by and between the City of Newburyport, acting through its Mayor and City Council (hereinafter "Newburyport"), the City of Amesbury, acting through its Mayor and City Council (hereinafter "Amesbury") and the Town of Salisbury, acting by and through its Board of Selectmen (hereinafter "Salisbury"), is entered into pursuant to G.L. c. 40 §4A, upon the following terms and conditions:

WHEREAS, under the laws of the Commonwealth of Massachusetts, Newburyport, Amesbury and Salisbury (hereinafter collectively referred to as "the signatory municipalities") each presently employ a Harbormaster and Deputy and/or Assistant Harbormasters (hereinafter "Harbormasters") within their respective harbormaster departments;

WHEREAS, the signatory municipalities and their harbormaster departments have determined that the provision of multi-jurisdictional harbormaster services will increase their ability to provide adequate and professional harbormaster services for their communities;

WHEREAS, the signatory municipalities desire to enter into an agreement which sets forth mutually agreeable terms and conditions for the furnishing of harbormaster services by the Harbormaster and Assistant Harbormasters of each municipal jurisdiction.

NOW, THEREFORE, the parties to this AGREEMENT agree as follows:

I. Definitions

a. "Sending Department" shall mean the municipality sending harbormaster aid and assistance to a participating municipality.

b. "Requesting Department" shall mean the municipality requesting and receiving harbormaster aid and assistance from a participating municipality.

c. "Mutual Aid" shall mean the provision of manpower and logistical support requested by a harbormaster department to meet its immediate requirements when its then-available resources are not sufficient to cope with existing circumstances.

d. "Harbormaster-in-Charge" shall mean the harbormaster having been designated with command authority during a particular shift.

II. General Services and Jurisdiction

The provisions of this Agreement apply to general and complete harbormaster jurisdiction within each signatory municipality. The Agreement generally authorizes On-Duty harbormasters and/or deputy/assistant harbormasters in any signatory municipality to exercise full harbormaster powers in each contiguous municipality in the following circumstances:

- When involved in a fresh and/or immediate investigative inquiry or action initiated from an observation or incident within the territorial and jurisdictional boundaries of the harbormaster's municipality;

- When enforcing or investigating any water-related incident or violation (Civil or Criminal) that originally occurred within the territorial and jurisdictional boundaries of the harbormaster's municipality;

- When services have been requested by the Harbormaster-in-Charge of one of the signatory municipalities and thereafter authorized by the Harbormaster-in-Charge of the of the Sending Department;

- During any other "Fresh Pursuit" or "Exigent Circumstance" authorized by existing law.

III. Requesting Aid

The procedure for requesting aid under this Agreement shall be as follows:

a. The Requesting Department's Harbormaster- in-Charge shall contact the Sending Department's Harbormaster- in-Charge to request aid for a particular period of time.

b. The request shall state the nature of the assistance sought.

c. Requests shall be made with sufficient advance notice.

d. The Sending Department's Harbormaster- in-Charge may authorize the provision of one or more harbormasters based upon the resources of the Sending Department.

e. Nothing in this Agreement shall be construed as imposing an obligation upon any signatory municipality to respond to a request for harbormaster services or provide Mutual Aid. The extent of assistance to be furnished under this Agreement shall be determined solely by the Sending Department, and it is understood and agreed that the assistance furnished may be recalled at the sole discretion of the Sending Department.

IV. Powers of Harbormasters

Harbormasters from a member of a Sending Department, while acting pursuant to this Agreement beyond the territorial jurisdiction of their own department, shall have all harbormaster powers (including the powers of arrest and the enforcement of boating laws) as applied in Massachusetts General Laws and Massachusetts Common Law. The parties acknowledge that any mutual aid exercised under this Agreement may include actions as authorized by the provisions of Massachusetts General Laws Chapter 90 B, as it applies to

harbormaster services. The Harbormaster-in-Charge of the Requesting Department shall be in charge and have the jurisdictional authority to relieve such Mutual Aid as long as this relief is lawful, reasonable and consistent with the Agreement.

V. Liability and Immunity

a. Each department shall be liable for all salaries of its personnel while rendering harbormaster services under this Agreement. All compensation and other benefits enjoyed by harbormasters in their own jurisdictions shall be extended to the services they perform under this Agreement. Thus, such items as medical and death benefits, payable as a result of exercising assistance under this Agreement, will be the expense of the officer's own Department.

b. Harbormasters injured or killed while responding to or furnishing harbormaster services to another community pursuant to this Agreement shall be considered to be on active duty for his or her own department. Thus, all compensation, responsibility and liability will be of the officer's own department.

c. Each party to this Agreement shall waive against any and all other parties hereto any and all claims which may arise out of the activities of responding harbormasters of each party while rendering or receiving harbormaster services, except for intentional injuries and acts outside the harbormaster authority.

d. All immunities from liability enjoyed by each signatory municipality within its own jurisdiction shall extend to its participation in rendering mutual harbormaster assistance under this Agreement outside its boundaries to the extent authorized by law.

VI. Liability to Third Parties

a. Each Requesting Department under this Agreement agrees to indemnify, defend and save harmless any Sending Department from any civil liability claimed or incurred on account of any alleged injuries, violation of rights or injury or death claimed to result from the responding harbormasters good faith compliance with the orders of any superior harbormaster of the Requesting Department or from the negligent acts or misconduct of the Requesting Department.

b. Each Sending Department under this Agreement agrees to indemnify, defend and save harmless any receiver from any civil liability claimed or incurred on account of alleged injuries, violation of rights or injury or death claimed to result from failure by a harbormaster from a Sending Department to comply in good faith with the orders of any superior harbormaster of the Sending Department or from the negligent acts or misconduct of the Sending Department.

VII. Term

This Agreement shall take effect on _____ and continue in effect until withdrawal from this Agreement by any one party hereto, which shall be made by giving forty-five (45) days of said notice in writing to the member departments' Harbormaster. Said withdrawal by one department shall not terminate this Agreement among the remaining parties. In accordance with the terms of G.L. c. 40, §4A, this Agreement, including any extensions thereof, shall remain in effect for no more than twenty-five (25) years.

VIII. Miscellaneous

a. Entire Agreement. The terms, together with any attachments referenced herein, shall constitute the entire agreement among the Parties and shall supersede all previous communications, representations, or agreements, either oral or written among the Parties with respect to the subject matter.

b. Amendment. This Agreement may only be amended or modified by written document signed by the Mayor and majority of the City Council in Newburyport, the Mayor and majority of the City Council in Amesbury, and the Town Manager and Board of Selectmen in Salisbury.

a. Fiscal Year. The term Fiscal Year hereunder shall be as that term is defined by Massachusetts Governmental law.

b. Governing Law. This Agreement shall be governed in accordance with the laws of the Commonwealth of Massachusetts and any dispute hereunder shall be directed to the appropriate court within Essex County.

c. Severability. If any provision, section, phrase or word contained herein is determined by a court of competent jurisdiction to be unenforceable, for any reason, or beyond the scope of the statutory provisions of Chapter 40, Section 4A of the General Laws, as amended, then it is the intention of the parties that, for public purposes, the remaining provisions thereof shall continue in full force and effect.

Executed as a sealed instrument as of the day and year first written above.

CITY OF NEWBURYPORT
By its City Council

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

and its Mayor

_____
Donna D. Holaday

TOWN OF SALISBURY
By its Board of Selectmen

_____

_____

_____

_____

_____

CITY OF AMESBURY
BY its City Council

_____

_____

_____

_____

_____

_____

and its Mayor

Ken Gray

502698

APPOINTMENTS

Appointment #1
Aug. 11, 2014

City of Newburyport
Office of the Mayor
Donna D. Holaday, Mayor

60 Pleasant Street - P.O. Box 550
Newburyport, MA 01950
978-465-4413 phone
978-465-4402 fax

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2014 AUG -5 A 10: 51

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: August 4, 2014

Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Trust Fund Commission. This term will expire on August 1, 2017.

Sheila A. Mullins
7 Parsons Street
Newburyport, MA 01950

Lois Honegger

To: Lois Honegger
Subject: RE: Letter of I

Sheila A. Mullins

7 Parsons Street

Newburyport, MA 01950-3005

T: 978.462.8959 E: Sheila_A_Mullins@Hotmail.com

2 August 14

Mayor Donna Holaday

City Hall

60 Pleasant Street

Newburyport, MA 01950

Dear Mayor Holaday,

I am applying for the position of Commissioner for the Trust Fund Commission. Please find my resume attached.

As you know, the Trust Funds have been of great interest to me for many years. Although my background is not in finance, I have a lot of experience in business with managing finances. I have been involved in many areas within Newburyport in terms of service. I would like the opportunity to continue to serve my adopted hometown.

References are available upon request. I appreciate your taking the time to review my experience and credentials. I thank you for your consideration. I can be reached at the contact information above.

Sincerely,

Sheila A. Mullins

Sheila A. Mullins

7 Parsons Street
Newburyport, MA 01950-3005
T: 978.462.8959 E: sheila_a_mullins@hotmail.com

November 2010-current **Seacoast Furniture** **Seabrook, NH**

- Business manager
- Furniture sales and customer service
- Take and reconcile inventory
- Create various reports, not limited to, but including financial
- Order, track, and receive furniture

2012-Present **Custom House Maritime Museum** **Newburyport, MA**

- Research, prepare, manage budget for food for First Friday Friends' Social events
- General volunteer

November 2009-December 2011 **Newburyport Charter Commission** **Newburyport, MA**

Clerk (Elected volunteer position):

- Kept minutes for Charter Commission
- Prepared and filed all appropriate government forms
- Ensured legal compliance
- Created, maintained, and updated Charter Commission website
- Advocated successfully for passage of new city charter
- Managed and created agendas and meeting schedules

May 1998-December 2004 **J. Mullins and Associates, Ltd.** **Newburyport, MA**

Business Manager:

- Scheduled, coordinated, tracked, prepared, and shipped all rental and repaired equipment
- Prepared all shipping/receiving documents including NAFTA and international shipping forms.
- Designed corporate logo and brand identity
- Created and implemented all advertising
- Coordinated and executed publicity
- Created collateral materials
- Negotiated office equipment contracts and rental agreements
- Managed all administrative aspects, including contract negotiations for office facility
- Provided Human Resource support by advertising, screening, interviewing, hiring, and initial training of applicants
- Initiated and collaborated with department heads to create and produce employee training manual
- Created model for on time and on-budget flow of repair and rental units

- Developed cost efficient office and inventory procedures which resulted in an 18.5% savings and increased cash flow
- Managed accounts payable, accounts receivable, payroll, and taxes
- Prepared budgets and financial forecasting
- Prepared all financial reports

1999-2007 **Citizens for Environmental Balance** **Newburyport, MA**

- Worked to protect and successfully protected great swaths of the Little River Watershed and helped mitigate downstream flooding
- Worked to ensure transparency in municipal government

June 1992-Present **Merrimack River Feline Rescue Society, Inc.** **Salisbury, MA**

Co-Founder/Office Manager/Membership Coordinator/General Volunteer (Volunteer position):

- Created and managed the model for tracking memberships
- Former Secretary to the Executive Board and Board of Directors
- Former Treasurer
- Coordinated all administrative aspects
- Managed accounts payable, accounts receivable, payroll, and taxes
- Feral foster home, trapper, shelter volunteer, volunteer trainer for those working with feral cats
- Chair for the Captain Courageous Fund

SKILLS:

MS Office, QuickBooks Pro, GERS, Furniture Wizard, typing: 50 w.p.m., internet research, international shipping, receiving, purchasing, public speaking, Allied ASID, food safety certified

Appointment #2
Aug. 11, 2014

City of Newburyport
Office of the Mayor
Donna D. Holaday, Mayor

60 Pleasant Street - P.O. Box 550
Newburyport, MA 01950
978-465-4413 phone
978-465-4402 fax

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2014 AUG -5 A 10:51

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: August 4, 2014

Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Planning Board. This term will expire on August 1, 2019.

Douglas Locy
17 Alberta Avenue
Newburyport, MA 01950

August 1, 2014

Honorable Mayor Donna Holiday
City of Newburyport
City Hall
Newburyport, MA 01950

Dear Mayor Holiday,

It has come to my attention that you are seeking candidates for appointment to the Newburyport Planning Board. I would be honored if you would consider my request to serve the City in that capacity. My updated resume is attached.

You are aware that my current five-year appointment to the Newburyport Waterfront Trust will expire this December and I do not wish to serve another term. During my years on the Trust as its Co-Chair and Chair and as a volunteer on the Newburyport Planning Board for over fifteen years, five as its Chair, I had acquired valued experience in conducting public meetings, coordinating activities between other city boards and public entities, working with city government, assisting applicants and resolving conflicts.

As Chair of the Trust I had applied my leadership skills and managerial experience to restructure the Trust, improve its functionality and professionalism. Although I've enjoyed working with most of my fellow members, park use applicants and other stakeholders on our beautiful City waterfront, I feel that I can no longer add value to this Trust. As Trustees we're required to operate within the parameters of the Declaration of Public Trust. In that capacity I've attempted to work cooperatively with the City and other entities to enhance the waterfront and its offerings for the benefit of the general public. As you know, it's been a challenge for me to operate within that context when I'm personally in conflict with some of the language in the Declaration and torn between what is legally binding and what I think is reasonable.

Although I will not serve as a Waterfront Trustee after this year, I would be honored to be again appointed to the Planning Board. It would be a privilege to bring the institutional knowledge and experience I had acquired as a prior member of this Board.

Thank you in advance for your consideration.

Respectfully Yours,

Douglas A. Locy
17 Alberta Ave
Newburyport, MA

Douglas A. Locy

Personal Information:

17 Alberta Ave
Home: (978) 462-8514
Cell: (978) 387-9621
locy@comcast.net
Retired 14 years
Newburyport Resident: 40 years
Married with four adult children
Hobbies/ Interests: Boating, biking, woodworking, travel and family.

Key Performance Attributes:

Demonstrated leadership in managing large projects, strong technical skill set, experienced in resource development and leading focus teams, knowledgeable in the operation of city boards and commissions.

Personal Voluntary Objective:

Apply my experience and knowledge in a voluntary capacity on City Boards and/or Commissions that may benefit the citizens of Newburyport.

Education:

MBA, 1979, Suffolk University, Boston, MA
MA Environmental (Civil) Engineering, 1972, Illinois Institute of Technology, Chicago, Illinois
BS Metallurgical Engineering, 1968, University of Illinois, Chicago, Illinois
Corporate Training: Quality and Management programs, Lucent Technologies, Inc
Computer Skills: MS Word, Excel, Power Point, Access, Project Planning, etc.

Employment History:

Mar '00 – Present: Retired

Actively engaged in voluntary city and community activities. Trustee for 5 years on the Newburyport Waterfront Trust and its current Chair. Prior activities include Chair of the Newburyport Planning Board on which I was a member for 15 years, Vice-Chair of the Local Historic District Study Committee, member of the Board of the Newburyport Preservation Trust, Past President of the Dalton Club and member of several local community focused groups. Besides enjoying my family and hobbies in retirement I've worked on several small construction projects.

Jan '95 – Mar '00: Lucent Technologies, Optical Networking Group, North Andover, MA

a. Directed an engineering organization responsible for testing, product introduction and project management of advanced optical transmission systems.

b. Managed the engineering and manufacture of thin film circuit technology. Proposed and coordinated the sale of this business with corporate M&A. Directed the bidding package, due diligence and technology transfer processes.

Jun '90 – Dec '95: AT&T Microelectronics, Advanced Integrated Modules Unit

a. Engineering and Operations Manager for Hybrid Integrated Circuit business. Managed operations and provided facilities and technical support for the manufacture of thin film and thick film technologies and multichip modules.
b. Engineering Manager responsible for component and vendor selection process, material cost reduction, vendor quality oversight for a $300 million business.
c. Reliability and Analytical Engineering Manager for Bell Labs responsible for qualifying new technologies and processes, reliability testing and failure analysis.

Jul '83 – Jan '90: AT&T Network Systems, North Andover, MA

Supervised various thin film multichip module engineering assignments. Coordinated the operational downsizing and modernization of this business.

Apr '73 – Jun '83: Western Electric Co. North Andover, MA

Senior Engineer, Component Engineering and Quality Engineering

May '72 – Mar '73: Bell Laboratories, Whippany, NJ

Engineer, Safeguard AMB development responsibilities

Dec '68 – Apr '72: Western Electric, Co. Hawthorne Works, Chicago, Illinois

Engineer, Metal fabrication and powder metallurgy

Appointment #3
Aug. 11, 2014

City of Newburyport
Office of the Mayor
Donna D. Holaday, Mayor

60 Pleasant Street - P.O. Box 550
Newburyport, MA 01950
978-465-4413 phone
978-465-4402 fax

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2014 JUL 30 P 1:57

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: July 30, 2014

Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Waterfront Trust Commission. This term will expire on August 1, 2019.

Steven D. Hines
54 Ferry Road
Newburyport, MA 01950

Steven D. Hines
54 Ferry Rd.
Newburyport, MA 01950

July 29, 2014

The Honorable Major Donna Holaday
60 Pleasant Street
Newburyport, MA 01950

Dear Mayor Holaday,

I am writing this letter to respectfully request to be considered for the open position on the Waterfront Trust. Being born and brought up in the city of Newburyport, I remember what Newburyport looked like in the sixties and seventies before urban renewal. Our waterfront is our crown jewel but it still could be so much nicer than what it is. I believe it is time to move forward and improve upon what was started many years ago and never truly finished. I believe I would bring a fair and impartial voice to the Waterfront Trust board that would benefit all.

As a member of the Newburyport Harbor Commission since 2008 I feel I could be an asset to the Waterfront Trust. If appointed, I believe our goals should be the same, simply looking to improve the harbor and waterfront park area of the city.

Thank you for your consideration to this position.

Sincerely,
Steven D. Hines

Steven D. Hines
54 Ferry Rd.
Newburyport, MA 01950
Home Ph. 978 465-1252
Cell Ph. 617 799-6980
Email: shines@massport.com

Synopsis of Qualifications

Over 31 years of progressive experience and responsibility in law enforcement. A proven effective manager with vision and leadership in aviation security, strategic planning, fiscal management, community policing and employee relations. Excellent human relations and communications skills; able to interface effectively with civic leaders, governmental agencies, union officials and corporate leaders.

State Police Assignments 2014-1983

1/1/14 - present
Commander of Tactical Operations
Logan International Airport
Duties include;

- Supervising the K-9 and Explosives Ordinance Division (EOD) at Logan Airport. Ensuring that all K-9 officers/dogs and Bomb Technicians are properly trained and certified according to Department of Homeland Security Standards. Guaranteeing quick professional responses to all Tactical Operations call-outs and prioritizing the safety of all involved.

2007 – 12/31/2013
Patrol Operations Commander for Massachusetts State Police, Troop F
Logan International Airport
Duties include:

- Supervising State Police uniformed patrols at Logan Airport, including 3 Lieutenants, 9 Sergeants, and approximately 65 Troopers. Ensuring the prompt and effective deployment of officers and equipment in response to emergency situations. Assessing emergency situations and determining what actions may be necessary to mitigate and isolate these situations as they occur.
- Working in conjunction with the FBI, Department of Homeland Security, US Customs and Border Protection, and the US Coast Guard to ensure the proper dissemination of gathered intelligence, specifically related to suspicious activity.
- Meeting daily with FBI and Department of Homeland Security officials, ensuring Logan International Airport's strict adherence to the Federal Security Directives.
- Working with Massport officials to ensure identified resource requirements have been subjected to validated reviews for their intended functions, and with the Finance Division, ensuring procedures for efficient budgeting, ordering and acquisition of resources.
- Participating in the planning and implementation of Presidential, Vice Presidential and numerous other dignitary escorts at Logan International Airport.
- Assisting in the development and implementation of security plans for the South Boston waterfront area, including events such as Sail Boston, the Fleet Pavilion concert series, and World Trade Center events.

- As a member of the Command Staff at Logan International Airport, participating in the planning and implementation of many new security enhancements ranging from video surveillance and perimeter security to large-scale, table-top emergency exercises.

2005 - 2007
Troop F, Logan International Airport, Supervisor of Community Action Team (CAT) – Providing security and escorts for high-level politicians and dignitaries. Monitoring, analyzing and developing effective solutions to various community problems at Logan International Airport.

2003 - 2005
Troop F, Logan International Airport, Shift Supervisor – Overseeing the security and public safety of the travelling public, supervising approximately 30 to 40 officers during a routine shift.

1993 – 2003
DIS Racing Commission, Promoted to Sergeant Oct. 28, 2001 – Upholding the rules and regulations of the Massachusetts State Racing Commission. Completing barn and kennel inspections; licensing of all grooms, trainers and jockeys; making arrests for major drug offenses and investigating racing violations, resulting in numerous suspensions of licensed personnel.

1990 – 1993
GHQ Mounted Unit – Riding, training, maintenance and care of the State Police horses. Assigned to the Salisbury State Reservation.

1983 – 1990
State Police Trooper assigned to the following barracks:
SP Peabody, SP Andover, SP Topsfield, SP Newbury – Patrol functions included highway patrol, investigating motor vehicle offenses, crashes; motor vehicle and felony arrests.

Promotions

Promoted to Sergeant on October 28, 2001
Promoted to Lieutenant on May 13, 2007

Specialized Training

Advanced Accident Investigations, 6-18-84
MSP Certified Health Fitness Instructor, 6-30-94
Financial Crimes Investigations, 4-25-96
International Organized Crime and Money Laundering, 7-22-98
Troop F Anti Terrorist Unit, Class #05 MP5 Sub Gun Qualified
Aviation Security for Law Enforcement, 7-30-03
MSP Firearms Training Unit, Duty Shotgun Operator Course, 9-16-03
MSP Firearms Training Unit, Police Firearms Instructor Course, 2-27-04
MSP Firearms Training Unit, MP5 Submachine gun, Operator, 5-5-03
Advanced ATU Training, Immediate Tactical Response, May 2004
Certified Instructor/Trainer for Behavior Pattern Recognition, nationally recognized airport security program developed by New Age Security Systems
FBI Law Enforcement Development Association, Command Institute Training for Law Enforcement Executives May 2013
FEMA National Incident Management System (ICS) levels ICS-100, 200 and 300

Education

Massachusetts State Police Academy, Framingham, MA
65th Recruit Training Troop, May 5, 1983

Western New England College, Springfield, MA
Bachelor of Science Degree in Law Enforcement – President's List Graduate

Family

Married 35 years to wife Susan
Children:
1st Lt. Derek Hines, USMA/West Point '03, KIA 9-1-05 at age 25
Michael Hines, age 30, Wesleyan University '07, Tishman Speyer Properties, Boston, MA
Ashley Hines, age 27, Dartmouth University '09, MBA graduate student Columbia University
Trevor Hines, age 24, Babson College '13, FTI Consulting, Boston, MA

Civic

President and founder of the nonprofit - 1st Lt. Derek Hines Soldiers Assistance Fund.

- The 1st Lieutenant Derek Hines Soldiers Assistance fund provides financial assistance for Massachusetts's soldiers, and their families, who have incurred serious, career-ending, and life-altering injuries while on active duty. We have raised and donated thousands of dollars to the below listed organizations in addition to direct help to soldiers in need.
    - Homes for Our Troops
    - Red Sox Foundation/Run to Home Base
    - Massachusetts Soldiers Legacy Fund
    - Massachusetts Military Heroes Fund
    - Operation Santa
    - Operation Troop Support
- City of Newburyport, Harbor Commission member from 2008 to present.
- Board of Directors and Coach for Newburyport Youth Hockey and Newburyport Pioneer League Baseball for over 15 years.

Re-Appointment #4
Aug. 11, 2014

City of Newburyport

Office of the Mayor
Donna D. Holaday, Mayor

60 Pleasant Street - P.O. Box 550
Newburyport, MA 01950
978-465-4413 phone
978-465-4402 fax

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2014 JUL 22 A 8:26

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: July 28, 2014

Subject: Re-appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Trust Fund Commission. This term will expire on April 1, 2017.

Richard J. O'Brien
41 Olive Street
Newburyport, MA 01950

Re-Appointment #5
Aug. 11, 2014

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

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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2011 AUG 30 P 1:57

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: August 23, 2011

Subject: Re-Appointment

I hereby re- appoint, subject to your approval, the following named individual as a member of the Historical Commission. This term will expire on August 1, 2017.

Stephen Dodge
57 Milk Street
Newburyport, MA 01950

END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

APPOINTMENTS
SECOND READING

MAYOR'S APPOINTMENTS
August 11, 2014
SECOND READING

Re-Appointment

6. John Ronan	21 Ferry Road	Council on Aging	May 31, 2019

In City Council July 14, 2014
Motion to approve the consent agenda as amended by Councillor Cameron, seconded by Councillor Herzog. So voted.

ORDERS

Order #1
Aug. 11, 2014

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

August 11, 2014

THAT the City Council of the City of Newburyport approves the following Licensed Contractor application for the 2014 construction year:

Bayberry Nurseries LLC
151 Kensington Road
Hampton Falls, NH 03844

Paperwork on file in the City Clerk's office.

Councillor Ari B. Herzog
Public Utilities Chairperson

In City Council August 11, 2014
Motion to approve by Councillor , seconded by Councillor .

Approve: _____
Donna D. Holaday, Mayor

Attest: _____
Richard B. Jones, City Clerk

Date: _____

CITY OF NEWBURYPORT

DEPARTMENT
OF
PUBLIC SERVICES

ANTHONY J. FURNARI
DIRECTOR

ANDREW M. LAFFERTY
DEPUTY DIRECTOR /
DIRECTOR OF OPERATIONS

16A PERRY WAY
NEWBURYPORT, MA 01950
978-465-4464

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2014 JUL 17 A 9:23

July 15, 2014

To: Richard Jones, City Clerk

Re: Licensed Contractor Application

Enclosed is a copy of a new Licensed Contractor application with bond and references to be forwarded to the city council for approval 2014 for sidewalk work only for the contractor listed below:

Bayberry Nurseries LLC
151 Kensington Road
Hampton Falls, NH 03844

Thank you for your attention to this matter.

Very truly yours,

Andrew M. Lafferty
Deputy Director DPS

Cc: File

CITY OF NEWBURYPORT
DEPARTMENT OF PUBLIC SERVICES
16A PERRY WAY
NEWBURYPORT, MA 01950

ANTHONY J. FURNARI, DIRECTOR
ANDREW LAFFERTY, DEPUTY DIRECTOR

PHONE: 978-465-4464
FAX: 978-465-1623

Licensed Contractor Application

Submit completed application to DPS at 16A Perry Way, Newburyport, MA

Name of Company: Bayberry Nurseries, LLC

Name of Owner: Paul Montrone

Contact Person: Justin White

Street Address: 151 Kensington Rd. City: Hampton Falls State: NH Zip Code: 03844

Phone #: 603-929-1811 Cell #: 603-966-6830 Fax #: 603-929-1810

Type of Work Qualified for: (check all that apply)

____ Water Service/Main	____ Sewer Service/Main	____ Drain Laying
____ Roadway (incl. curb cuts)	✓ Sidewalk	____ Street Occupancy
____ Gas	____ Electric	____ Communications

Submit the Following with this completed Application:

- ☑ **$500 Check non-refundable payable to City of Newburyport**
- ☑ **$5000 or $10,000 Bond ORIGINAL ONLY** ($10,000 Bond for laying Wire or Conduit)
- ☑ **Certificate of Insurance incl. Worker's Compensation Insurance Affidavit** (per M.G.L. .c152)
- ☑ **Minimum 3 Municipal References within the last 5 years of similar work**

RIGHT OF WAY BOND

Bond No: 2179657

KNOW ALL BY THESE PRESENTS, that we, Bayberry Nurseries, LLC as Principal, and **Washington International Insurance Company / North American Specialty Insurance Company,** a New Hampshire Corporation, are held and firmly bound unto The City of Newburyport as Obligee, in the penal sum of Five Thousand & 00/100 Dollars ($ 5,000.00), good and lawful money of the United States, for payment of which well and truly to be made, we bind ourselves, and our heirs, executors, administrators, jointly and severally, firmly by these presents.

WHEREAS, the said Principal desires from time to time to construct or install improvements within the public right of way;

NOW THEREFORE, THE CONDITIONS OF THIS OBLIGATION ARE:

1. That said improvements shall be constructed in accordance with the street, alley, water, sewer and drainage standards, requirements and ordinances pertaining to the type of public improvements involved; and

2. As to any alteration or disturbance of existing street, alley or public right of way improvements made in connection with the above described improvements, such streets, alleys or public rights of way shall be restored to good and safe conditions and at least as near as practical to a condition equivalent to their existing condition.

An action may be brought by the Obligee on this bond for any breach of any of the conditions of this bond within one year of the prinicpal's fault. Successive actions may be brought on this bond for successive breaches of any of its conditions; provided, however, that the sum total of all liability of the surety in any one or all of such actions shall not exceed the hereinbefore specified amount of this bond. The liability of the Surety under this bond shall terminate in one year from April 22, 2014, save and except for damages and expenses incurred by the Obligee by reason of the subject right of way improvements not being constructed and installed in accordance with the ordinances of the City, County or State, for which damages and expenses the Surety shall remain liable. However, this bond may be continued from year to year by continuation certificate executed by the Surety thereon.

This bond may be cancelled by the Surety by giving thirty (30) days written notice to the Obligee of its intention to do so. Any such cancellation shall not relieve the Surety of the above described liabilities regarding right of way improvements for which a permit is issued to the principal prior to the effective date of such cancellation.

Signed, sealed and dated this 22nd day of April, 2014.

Bayberry Nurseries, LLC

Prinicpal

By: _____

North American Specialty Insurance Company

Surety

By: _____
Justin J. Silva, Attorney-in-Fact

NAS SURETY GROUP

NORTH AMERICAN SPECIALTY INSURANCE COMPANY
WASHINGTON INTERNATIONAL INSURANCE COMPANY

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, THAT North American Specialty Insurance Company, a corporation duly organized and existing under laws of the State of New Hampshire, and having its principal office in the City of Manchester, New Hampshire, and Washington International Insurance Company, a corporation organized and existing under the laws of the State of New Hampshire and having its principal office in the City of Itasca, Illinois, each does hereby make, constitute and appoint:

MICHELLE K. BOUCHER

and JUSTIN J. SILVA

jointly or severally

Its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its act and deed, bonds or other writings obligatory in the nature of a bond on behalf of each of said Companies, as surety, on contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract or suretyship executed under this authority shall exceed the amount of:

TEN MILLION ($10,000,000.00) DOLLARS

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both North American Specialty Insurance Company and Washington International Insurance Company at meetings duly called and held on the 24th of March, 2000:

"RESOLVED, that any two of the Presidents, any Managing Director, any Senior Vice President, any Vice President, any Assistant Vice President, the Secretary or any Assistant Secretary be, and each or any of them hereby is authorized to execute a Power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings and all contracts of surety, and that each or any of them hereby is authorized to attest to the execution of any such Power of Attorney and to attach therein the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be binding upon the Company when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached."

NORTH AMERICAN SPECIALTY INSURANCE COMPANY CORPORATE SEAL 1973 NEW HAMPSHIRE

By _____
Steven P. Anderson, President & Chief Executive Officer of Washington International Insurance Company & Senior Vice President of North American Specialty Insurance Company

WASHINGTON INTERNATIONAL INSURANCE COMPANY CORPORATE SEAL NEW HAMPSHIRE

By _____
David M. Layman, Senior Vice President of Washington International Insurance Company & Vice President of North American Specialty Insurance Company

IN WITNESS WHEREOF, North American Specialty Insurance Company and Washington International Insurance Company have caused their official seals to be hereunto affixed, and these presents to be signed by their authorized officers this 31st day of March, 2014.

North American Specialty Insurance Company
Washington International Insurance Company

State of Illinois
County of Du Page ss:

On this 30th day of September, 2008, before me, a Notary Public personally appeared Steven P. Anderson, President and CEO of Washington International Insurance Company and Senior Vice President of North American Specialty Insurance Company and David M. Layman, Senior Vice President of Washington International Insurance Company and Vice President of North American Specialty Insurance Company, personally known to me, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as officers of and acknowledged said instrument to be the voluntary act and deed of their respective companies.

"OFFICIAL SEAL"
DONNA D. SKLENS
Notary Public, State of Illinois
My Commission Expires 10/06/2011

Donna D. Sklens, Notary Public

I, James A. Carpenter, the duly elected Assistant Secretary of North American Specialty Insurance Company and Washington International Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by said North American Specialty Insurance Company and Washington International Insurance Company, which is still in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies this 22nd day of April, 2014.

James A. Carpenter, Vice President & Assistant Secretary of Washington International Insurance Company & North American Specialty Insurance Company

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 5/5/2014

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

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

PRODUCER
Tobey & Merrill Insurance
20 High Street
Hampton NH 03842-2214

CONTACT NAME: Jennifer Reckmeyer
PHONE (A/C, No, Ext): (603) 926-7655 FAX (A/C, No): (603) 926-2135
E-MAIL ADDRESS: jennifer@tobeymerrill.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: MMG Insurance	15997
INSURER B: Peerless Insurance Company	24198
INSURER C: Liberty Mutual Insurance	
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
BAYBERRY NURSERIES LLC
C/O DATA RISK LLC
1 NH AVE STE 120
PORTSMOUTH NH 03801-2904

COVERAGES CERTIFICATE NUMBER: CL145502918 REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC			BP10607335	2/15/2014	2/15/2015	EACH OCCURRENCE	$ 2,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 250,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 2,000,000
							GENERAL AGGREGATE	$ 4,000,000
							PRODUCTS - COMP/OP AGG	$ 4,000,000
								$
A	AUTOMOBILE LIABILITY X ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS X HIRED AUTOS X NON-OWNED AUTOS			KA10607335	2/15/2014	2/15/2015	COMBINED SINGLE LIMIT (Ea accident)	$ 1,000,000
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
							Uninsured motorist combined	$ 1,000,000
A	X UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED X RETENTION $ 10,000			KU20607335	2/15/2014	2/15/2015	EACH OCCURRENCE	$ 5,000,000
							AGGREGATE	$ 5,000,000
								$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) Y/N N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		WC1034912	2/15/2014	2/15/2015	WC STATU-TORY LIMITS OTH-ER	
							E.L. EACH ACCIDENT	$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000
C	CONTRACTOR'S EQUIPMENT INLAND MARINE			IM8907641	4/4/2014	4/4/2015	LEASED EQUIPMENT	100,000
							SCHEDULED PROPERTY	69,000

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

CERTIFICATE HOLDER

City of Newburyport
16A Perry Way
Newburyport, MA 01950

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

J Reckmeyer/LSA

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BAYBERRY
NURSERIES

PROFESSIONAL REFERENCES

Beverly MacBurnie
Belleville Improvement Society
Newburyport, MA
C: 978-465-5108
bmacb@verizon.net

Dave Leonard * Civil war memonal
Atkinson Common
Newburyport, MA
C: 978-417-6444
atkinsoncommon@aol.com
dleonard62@aim.com

Kim Turner *
KDTurner Design & Newburyport Parks Commission Member
Newburyport, MA
C: 781-632-6004
duffykt@gmail.com

Christopher J. Candiello * Doyle Field
Project Manager
Harvard University
1350 Massachusetts Avenue
Cambridge, MA. 02138
O: 617-496-2144
christopher_candiello@harvard.edu

Barry Boucher *
Bearco Custom Homes
Wolfeboro Falls, NH
O: 603-569-6771
bearco135@yahoo.com

Richard Dupuis
Shipston Group
One Liberty Lane East
Hampton, New Hampshire 03842
P: 603 929-6811
rnd@shipstongroup.com

Lisa Exum

From: Justin White <jwhite@bayberrynurseries.com>
Sent: Thursday, July 03, 2014 8:57 AM
To: DPS
Subject: FW: Licensed Contractor Application
Attachments: Boston-Police-Plaza.jpg; 20140624_172527.jpg; DSC_2911b.jpg; Living Wall by Bayberry Nurseries.jpg; 000032900003.jpg; red oak 1.jpg; Resume Justin White - BBN.doc; PROFESSIONAL REFERENCES.docx; autumn blaze 3.jpg; lemay 6.JPG; dolye field a.jpg; BatteryPark-6.jpg; granite staircase.jpg; cunningham xxxxx.jpg; 40aa.JPG; rr 1.jpg; doyle 4.jpg; doyle 3b.jpg; doyle field c.jpg; Resume Justin White - BBN.doc

To whom it may concern:

Unfortunately, I just discovered this email in my junk folder from a month ago. At this point, would it be possible to schedule a time to meet with the individual that facilitates the contractor approvals as I feel a brief meeting will allow me a better opportunity to articulate our firm and credentials. To date Bayberry has not completed any work directly for any municipalities, with that said however we have engaged and completed major private installations from Boston to the NH Lakes Region which have involved working with state environmental agencies and city inspectional services in Boston and the like. As growing firm in the region that has been recognized nationally and was approached to work on the World Trade Center project in NYC last year and I feel very confident that we have the ability to execute safely and efficiently work involving the City of Newburyport property. With that said, we currently are a week or two away from completing a half million dollar project at the former A Piatt Andrews home which neighbors Beauport. This project included delicate modernization and renovation of the historic Red Roof property grounds on Eastern Point in Gloucester. I make mention of this project solely to further high light our abilities as this we were required to complete as part of our contract significant ledge removal, drainage infrastructure, and masonry improvements. I have attached my own personal resume which includes a notable past project list along with some supporting images for you to review. Just to reiterate what we are seeking is approval to perform traditional landscape based work which would include plantings and reconstruction of sidewalks with city hall pavers. I understand that we do not meet the (5) references, but hope our firm can be considered due to our previous body of work and expertise at the helm. If granted the time for a brief meeting I would enjoy speaking with the individuals charge with facilitating this decision. We look forward to building a relationship with the City of Newburyport as a model service provider and resource as it relates to work in our trade. Thank you of ro your consideration and enjoy the holiday weekend!

Regards,

JUSTIN R. WHITE | GM/PRINCIPAL DESIGNER

BAYBERRY
NURSERIES

151 KENSINGTON RD | HAMPTON FALLS, NH 03844
P|603.929.1811 C|603.966.6830 F|603.929.1810
www.bayberrynurseries.com

Facebook.com/bayberrynurseriesllc

Twitter | @designBUILDgrOW
Houzz.com/pro/Justin-white5053/bayberry-nurseries

From: DPS [mailto:dps@CityofNewburyport.com]
Sent: Thursday, May 29, 2014 2:31 PM
To: jwhite@bayberrynurseries.com
Subject: Licensed Contractor Application

Thank you for applying for City of Newburyport Licensed Contractor. Please reply to this e-mail with a listing of references within the last five years of similar sidewalk work including addresses of projects.

Order #2
Aug. 11, 2014

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

August 11, 2014

Whereas: The "Inn Street Mall," park and playground is an important community-wide asset and improvements to this Common Space are recommended by Newburyport's most recent Open Space and Recreation Plan, calling for continued implementation of maintenance and capital improvements; and

Whereas: The Parks Department and Office of Planning & Development intend to renovate the historic Inn Street Fountain, restoring and enhancing this public amenity as a focal point for conveying the significance of Newburyport's Urban Renewal and Historic Preservation efforts through interactive features and interpretive panels; and

Whereas: Restoring and enhancing the fountain, and the addition of landscape enhancements, new seating, playground amenities, drainage and brickwork repairs will make the Inn Street plaza a safer, more attractive and more inviting place for residents, tourists and their children; and

Whereas: Fiscal budget constraints require the City to implement improvements to the Inn Street Mall, park and playground based upon the availability of grants, including a reimbursable "Our Common Backyards" grant from the Executive Office of Energy and Environmental Affairs (EOEEA) and Community Preservation Act funding; and

Whereas: The City has received the generous allocation (match) of $50,000 from Community Preservation Act funding, and a commitment of additional funding from the Mayor's Downtown Parking Revenues; and

Whereas: The state "Our Common Backyards" Grant is a reimbursable fund that will provide up to $200,000 toward this initiative; and

Whereas: Application for the "Our Common Backyards" grant program requires dedication of the land to park and recreation purposes under Massachusetts General Laws Chapter 45, Section 14:

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

THAT the City Council of the City of Newburyport hereby transfer the Inn Street Park and Playground to the Parks Commission for management, care and custody as a public playground under the provisions of Massachusetts General Laws, Chapter 45, Section 14, and as it may hereafter be amended; and

THAT the Mayor, Director of the Parks Department and Director of the Office of Planning & Development are hereby authorized to file on behalf of the City any and all applications necessary for grants and/or reimbursements from the Commonwealth of Massachusetts under the "Our Common Backyards" grant program administered by the Division of Conservation Services (DCS) under the Executive Office of Energy and Environmental Affairs (EEA) and/or any other grants in any way connected with the scope of this Order to support the project; and

THAT the Mayor, Director of the Parks Department and Director of the Office of Planning & Development are hereby authorized to enter into all agreements and execute any and all instruments, and to take all such actions necessary to carry out the terms, purposes and conditions of this grant and others as may be necessary on behalf of the City to affect said project and grant.

THAT the Treasurer is hereby authorized to borrow funds, and issue any related bonds or notes, in anticipation of reimbursement from the Commonwealth under the "Our Common Backyards" grant program pursuant to Massachusetts General Laws Chapter 44, or any other enabling authority.

Councillor Jared Eigerman

Order #3
Aug. 11, 2014

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

Date: August 11, 2014

THAT the City Council of the City of Newburyport, acting pursuant to G.L. C.40, § 14 and G.L. c. 82, § 21, hereby authorizes acceptance of a grant of drainage easements, in substantially the same form as attached hereto, from Springwell Investments, LLC, and Huntsman Holdings, LLC, on property located at the Oleo Woods Subdivision located off of Russell Terrace, for the purpose of providing drainage of City ways and maintaining slope from the boundary of City ways; within said easements; and

THAT the Mayor is hereby authorized to enter into all agreements and execute any and all instruments, and to take all such actions necessary to carry out the purposes of this Order as may be necessary on behalf of the City to affect said acceptance.

Councillor Larry G. Guinta, Jr.

MASSACHUSETTS QUITCLAIM DEED SHORT FORM

PROPERTY ADDRESS: Morin Road and Richardson Path, Newburyport, MA

Springwell Investments, LLC, a limited liability company duly organized and validly existing under the laws of the State of New Hampshire with a principal place of business at 11 Lafayette Road, North Hampton, New Hampshire 03862 (the "Grantor"),

for consideration paid, and in full consideration of less than One Hundred ($100.00) Dollars,

grants to the City of Newburyport, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts and having a mailing address of 60 Pleasant Street, P.O. Box 550, Newburyport, Massachusetts 01950 (the "City")

with **quitclaim covenants**

[Description and encumbrances, if any]

(1) The pump station, the sewer and force mains, and the entire sewer system located within that certain residential subdivision known as Oleo Woods being shown on a plan prepared by Millennium Engineering, Inc. entitled "OSRD Definitive Plan for Land in Newburyport, Massachusetts, Showing Proposed Subdivision Modification, Prepared for Springwell Investments, LLC, 11 Lafayette Road, P.O. Box 1297, N. Hampton, NH 03862, Scale: 1" = 40', Date: Mar. 9, 2011, Sheet: 4 of 25" said plan being recorded in the Essex South District Registry of Deeds in Plan Book 430, Plan 16.

(2) All of Grantor's rights as grantee under a Deed of Sewer, Water, and Drainage Easements from Norman R. Boucher and Gail L. Boucher dated January 6, 2012 and recorded in said Registry in Book 30990, Page 147.

The City by accepting this deed agrees to accept ownership and maintenance responsibilities for any structural component (pipes, manholes, etc.) of the drainage system located within either a public way or the easements at the following location:

ACCEPTANCE OF DEED

The City of Newburyport, acting by and through its Mayor, pursuant to authorization of the City Council as set forth in Bill No. _____, a certified copy of which is attached hereto, hereby approves the acceptance of the foregoing Quitclaim Deed from Springwell Investments, LLC to the City of Newburyport on this _____ of _____, 2014.

CITY OF NEWBURYPORT,
By its Mayor

_____
Donna D. Holaday

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this _____ day of _____, 2014, before me, the undersigned notary public, personally appeared Donna D. Holaday, Mayor of the City of Newburyport, as aforesaid, proved to me through satisfactory evidence of identification which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the City of Newburyport.

_____
Notary Public
My Commission Expires:

san,F:\PJG\6032_13-0823Deed2.wpd

1. Former alleyway running between Morin Road and Richardson Path;
2. Between Lots 16 and 17;
3. Between Lot 18A and Parcel B; and
4. Lot 11.

It is agreed that the Oleo Woods Homeowners Association, LLC will own and maintain any and all rain gardens, swales and constructed wetlands.

The above described premises being a portion of the premises conveyed to Springwell Investments, LLC by deed of Russell S. Hussey, Jr. as Trustee of Oleo Realty Trust, dated February 23, 2011 and recorded with said Registry in Book 30253, Page 549. See also Deed of Sewer, Water, and Drainage Easements recorded with said Registry in Book 30990, Page 147.

Executed as a sealed instrument this day of January, 2014.

Springwell Investments, LLC

_____

By _____
Richard W. Green, Manager

STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

On this day of January, 2014, before me, the undersigned notary public, personally appeared Richard W. Green, as Manager of Springwell Investments, LLC, proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

_____
Notary Public:
My commission expires:_____

Order #4
Aug. 11, 2014

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

Date: August 11, 2014

THAT the City Council of the City of Newburyport, acting pursuant to G.L. c. 82, § 21 and § 32A, hereby authorizes the abandonment and permanent discontinuance the portion of Russell Terrace Extension (a public way), which is shown as Parcels C, D, and E on a plan prepared by Millennium Engineering, Inc. entitled "OSRD Definitive Plan for Land in Newburyport, Massachusetts Showing Proposed Subdivision Modification Prepared for Springwell Investments, LLC, 11 Lafayette Road, P.O. Box 1297, N. Hampton, NH 03862; Scale: 1" = 40'; Date: March 9, 2011" recorded in the Essex South District Registry of Deeds, in Plan Book 430, Plan 16, and as further shown on two plans entitled "Acceptance Plan for Land in Newburyport, Massachusetts; Scale: 1" = 40'; Date: July 15, 2014; Engineer: Millennium Engineering, Inc." and "Acceptance Plan for Land in Newburyport Massachusetts: Easement Details; Scale: 1" = 40'; Date: July 15, 2014; Engineer: Millennium Engineering, Inc." As indicated on the above referenced plans said parcels C, D, and E (formerly part of the cul-de-sac roadway, now extended by the Oleo Woods Subdivision) shall be conveyed and added to the adjoining properties.

Councillor Larry G. Guinta, Jr.

MASSACHUSETTS QUITCLAIM DEED SHORT FORM

PROPERTY ADDRESS: Morin Road and Richardson Path, Newburyport, MA

Springwell Investments, LLC, a limited liability company duly organized under the laws of the State of New Hampshire, and Huntsman Holdings, LLC, a limited liability company duly organized under the laws of the State of New Hampshire, both having their principal office at 11 Lafayette Road, P.O. Box 1297, North Hampton, New Hampshire 03862 (the "Grantor"),

for consideration paid and in full consideration of less than One Hundred Dollars ($100.00),

grants to the City of Newburyport, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts and having a mailing address of 60 Pleasant Street, P.O. Box 550, Newburyport, Massachusetts 01950 (the "City")

with **Quitclaim Covenants**

the land in Newburyport, Essex County, Massachusetts, being bounded and described as follows:

[Description and encumbrances, if any]

A certain parcel of land being shown as Morin Road and Richardson Path on a plan prepared by Millennium Engineering, Inc. entitled "OSRD Definitive Plan for Land in Newburyport, Massachusetts, Showing Proposed Subdivision Modification, Prepared for Springwell Investments, LLC, 11 Lafayette Road, P.O. Box 1297, North Hampton, New Hampshire 03862, Scale: 1" = 40', Date: March 9, 2011", being Sheet 4 of 25 on said plan which is recorded in the Essex South District Registry of Deeds in Plan Book 430, Plan 16, said parcel being more particularly bounded and described as follows:

Beginning at a point on the Easterly line of Lot 1 as shown on said plan and at the Southwesterly terminus of Russell Terrace Ext.; thence running along Lots 1, 2, 3, 4, 5, 6, 7, 8, 9-A and 10-A shown on said plan on an arc with a radius of 2625.95 feet for a distance of 654.87 feet to a stone bound; thence turning and running

NORTH 75° 50' 58" East along Lot 10-A as shown on said plan 73.92 feet to a stone bound at Parcel G-1 as shown on said plan; thence turning and running

NORTH 07° 55' 30" West along Parcel G-1, 36.03 feet to a stone bound at Lot 11 as shown on said plan; thence turning and running along Lot 11 on an arc with a radius of 30.00 feet for a distance of 50.61 feet to a stone bound; thence continuing along Lot 11 and Lot 12 on an arc with a radius of 2625.95 feet for a distance of 153.23 feet to a stone bound; thence running along said Lot 12 on an arc with a radius of 30.00 feet for a distance of 45.83 feet to a stone bound; thence continuing

NORTH 75° 00' 12" East along Lot 12, 55.02 feet to a stone bound; thence continuing along Lots 12, 13, 14, 15, 16, 17, 18-A and Parcel B-1 on an arc with a radius of 174.00 feet for a distance of 536.36 feet to a stone bound; thence continuing

NORTH 78° 23' 11" West along Parcel B-1 70.87 feet to a stone bound; thence running by said Parcel B-1 on an arc with a radius of 30.00 feet for a distance of 26.37 feet to a point at Parcel F as shown on said plan; thence turning and running

SOUTH 78° 56' 35" West along Parcel F at the Southerly terminus of Russell Terrace Ext. 54.85 feet to the Easterly sideline of Morin Road and the point of beginning.

There is excepted from the above described premises Lots 19, 20, 21, 22, 23 and 24 as shown on said plan, the perimeter of which is bounded and described as follows:

Beginning at a stone bound on the Southerly side of Richardson Path and the Northerly line of Lot 19; thence running

NORTH 78° 23' 11" East along Lot 19, 65.83 feet to a stone bound at Lot 24 as shown on said plan; thence running along Lot 24, Lot 23, Lot 22 and Lot 21 on an arc with a radius of 134.00 feet for a distance of 413.06 feet to a stone bound; thence continuing

SOUTH 75° 00' 12" West along Lot 21, 52.55 feet to a stone bound; thence running along Lot 21 on an arc with a radius of 30.00 feet for a distance of 47.31 feet to a stone bound; thence continuing along Lot 21, Lot 20 and Lot 19 as shown on said plan on an arc with a radius of 2665.95 feet for a distance of 209.52 feet to a stone bound; thence running along Lot 19 on an arc with a radius of 30.00 feet for a distance of 51.07 feet to the point and place of beginning.

The above described premises are conveyed subject to and together with the benefit of the following:

1. Order of Conditions issued by the Newburyport Conservation Commission, a copy of which is recorded in the Essex South District Registry of Deeds in Book 30565, Page 168, to the extent applicable.

2. Terms and provisions contained in the Decision of the Newburyport Planning Board approving the 24 lot, OSRD Definitive Subdivision Plan, a copy of which is recorded in said Registry in Book 30609, Page 288, and in the Decision of the Newburyport Planning Board granting a special permit amendment with respect to the 24 lot, OSRD Definitive Subdivision Plan, a copy of which is recorded in said Registry in Book 30609, Page 295, both as modified

by the Newburyport Planning Board by votes recorded in said Registry in Book 31349, Page 502 and in Book 31349, Page 503, all to the extent applicable.

3. Easement granted to Massachusetts Electric Company by instrument dated December 8, 2011 and recorded in said Registry in Book 31059, Page 470.

4. Terms and provisions of an Easement Agreement dated March 22, 2012 and recorded in said Registry in Book 31347, Page 394, to the extent applicable.

5. Terms and provisions of the Master Declaration, Reservations and Restrictions of Oleo Woods Subdivision dated April 11, 2012 and recorded in said Registry in Book 31347, Page 396.

The above described premises being a portion of the premises conveyed to Huntsman Holdings, LLC by deed of Russell S. Hussey, Jr. dated February 23, 2011 and recorded with the Essex South District Registry of Deeds in Book 30253, Page 531 and a portion of the premises conveyed to Springwell Investments, LLC by deed of Russell S. Hussey, Jr. as Trustee of Oleo Realty Trust, dated February 23, 2011 and recorded with said Registry in Book 30253, Page 549.

Executed as a sealed instrument this day of January, 2014.

Springwell Investments, LLC

By _____
Richard W. Green, Manager

Huntsman Holdings, LLC

By _____
Richard W. Green, Manager

STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

On this day of January, 2014, before me, the undersigned notary public, personally appeared Richard W. Green, as Manager of Springwell Investments, LLC and Huntsman Holdings, LLC, proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

_____

Notary Public:

My commission expires:_____

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

Date: August 11, 2014

THAT the City Council of the City of Newburyport, acting pursuant to G.L. C.40, § 14 and G.L. c. 82, § 21, hereby authorizes the acceptance of a Deed, in substantially the same form as attached hereto, from Springwell Investments, LLC, and Huntsman Holdings, LLC, for the fee in a parcel of land known as Morin Road and Richardson Path (formerly known as the Oleo Woods Subdivision), such land to be laid out as a public way for all purposes for which public ways are used in the City.

THAT the Mayor is hereby authorized to enter into all agreements and execute any and all instruments, and to take all such actions necessary to carry out the purposes of this Order as may be necessary on behalf of the City to affect said acceptance.

Councillor Larry G. Guinta, Jr.

ACCEPTANCE OF DEED

The City of Newburyport, acting by and through its Mayor, pursuant to authorization of the City Council as set forth in Bill No. _____, a certified copy of which is attached hereto, hereby approves the acceptance of the foregoing Quitclaim Deed from Springwell Investments, LLC and Huntsman Holdings, LLC to the City of Newburyport on this _____ of _____, 2014.

CITY OF NEWBURYPORT,
By its Mayor

_____
Donna D. Holaday

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this _____ day of _____, 2014, before me, the undersigned notary public, personally appeared Donna D. Holaday, Mayor of the City of Newburyport, as aforesaid, proved to me through satisfactory evidence of identification which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of the City of Newburyport.

_____
Notary Public
My Commission Expires:

Order #6
Aug. 11, 2014

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

Date: August 11, 2014

CITY OF NEWBURYPORT
ORDER OF LAYOUT
MORIN ROAD AND RICHARDSON'S PATH

WHEREAS, it appears that the public convenience and necessity require the laying out as public ways within the new Subdivision known as Oleo Woods, "Morin Road" and "Richardson Path" as shown on two plans entitled "Acceptance Plan for Land in Newburyport, Massachusetts; Scale: 1" = 40'; Date: July 15, 2014; Engineer: Millennium Engineering, Inc." and "Acceptance Plan for Land in Newburyport Massachusetts: Easement Details; Scale: 1" = 40'; Date: July 15, 2014; Engineer: Millennium Engineering, Inc.".

NOW, THEREFORE, BE IT ORDERED:

THAT Morin Road and Richardson Path are hereby laid out as public ways in accordance with the above referenced plan, including such metes and bounds as described therein.

Councillor Larry G. Guinta, Jr.

ORDINANCES

2nd Reading
Ordinance #1
Aug. 11, 2014

CITY OF NEWBURYPORT

IN CITY COUNCIL

April 28, 2014

ORDERED:

AN ORDINANCE TO AMEND SUBSECTION 3-26(D) PERTAINING TO ANIMALS

Be it ordained by the Newburyport City Council:

Chapter 3	Animals
Article 2	Dogs
Section 3-26	Leash Required
Subsection d	Table of Designated Off Leash Areas

Add:

(d) Notwithstanding the provisions of subsection (a), dogs are allowed off leash at Cashman Park, Moseley Woods, and March's Hill, subject to the exclusions and restrictions, off leash hours, and seasonal restrictions set forth in the following Table of Designated Off Leash Areas and subject to the Rules set forth in subsection (e), respectively, below.

Table of Designated Off Leash Areas

Designated off leash area	Exclusions and restrictions	Off leash hours	Seasonal restrictions
Cashman Park	Excluding: playground, basketball court, tennis court, baseball field, soccer field & walkways	7:30 a.m. - 9:00 a.m. and 4:00 p.m. - 7:00 p.m.	Year round
Moseley Woods	Excluding: playground, pavilion & picnic areas	Dawn - Dusk	Year round
March's Hill	Excluding: basketball court	Dawn – Dusk	No off leash dogs allowed at times when children are sledding

Councillor Ari B. Herzog
Councillor Meghan C. Kinsey

In City Council April 28, 2014
Motion to refer to Neighborhoods and City Services by Councillor Herzog, seconded by Councillor Kinsey. 10 yes, 1 no (O'Brien). So voted.

In City Council July 14, 2014
Motion to remove by Councillor Connell, seconded by Councillor Herzog. So voted. Motion to approve first reading and order published as amended by Councillor Connell, seconded by Councillor Kinsey. 9 yes, 1 no (O'Brien), 1 absent (Giunta). So voted.

2nd Reading
Ordinance #2
Aug. 11, 2014

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

April 28, 2014

AN ORDINANCE TO AMEND SUBSECTION 3026(E) PERTAINING TO ANIMALS

Be it ordained by the Newburyport City Council:

Chapter 3	Animals
Article 2	Dogs
Section 3-26	Leash required
Subsection e	Rules for Designated Off Leash Areas

Add:

(16) Owners must leash their dog(s) upon any direction or command of a police officer or animal control officer; and any refusal shall constitute a $50 violation per rule (15).

(17) Owners must muzzle dogs that exhibit dangerous or aggressive behavior; biting, fighting, and excessive barking are not allowed.

(18) Unattended dogs are not allowed in the off-leash areas.

(19) Owners who witness unattended dogs or other rule violations must contact Animal Control at [insert phone number].

Councillor Ari B. Herzog
Councillor Meghan C. Kinsey

In City Council April 28, 2014
Motion to refer to Neighborhoods and City Services by Councillor Herzog, seconded by Councillor Kinsey. So voted.

In City Council July 14, 2014
Motion to remove by Councillor Connell, seconded by Councillor Kinsey. So voted. Motion to approve 1st reading and order published by Councillor Connell, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 absent (Giunta). So voted.

2nd Reading
Ordinance #3
Aug. 11, 2014

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED: May 27, 2014

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

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

Zoning Ordinance Amendment:

THAT the Zoning Ordinance be amended pursuant to Section XII-B "Adoption and Amendment" by the addition of the following:

Section V-D: Table of Use Regulations

Use	NUM	CON	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-1B	I-2	M	WMD	WMU
Municipal Harbormaster Facility	713	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P

Section V-E: List of Allowable Uses

Municipal Harbormaster Facility	**713**	A municipally owned and operated Harbormaster Facility or Building.

Section VI: Dimensional Controls

Table of Dimensional Requirements

								Yard Requirements		
Use	**NUM**	**District**	**Lot Area**	**Street Frontage**	**Height**	**% Lot Cov.**	**Open Space**	**Front**	**Side**	**Rear**
Municipal Harbormaster Facility	713	WMD	5,000	0	35	100	NA	0	0	0
		WMU	5,000	0	35	100	NA	0	0	0

Councillor Barry N. Connell
Councillor Robert J. Cronin
Councillor Edward C. Cameron

In City Council May 27, 2014
Councillor Cameron moved to collectively refer #3,#4,#5 to P&D Committee and Planning Board, seconded by Councillor Herzog, so voted.

In City Council May 27, 2014
Motion to remove by Councillor Cameron, seconded by Councillor Herzog. So voted. Motion to approve 1st reading as amended and order published by CouncillorCameron, seconded by Councillor Herzog. Roll call vote, 10 yes, 1 absent (Giunta). So voted.

In City Council July 14, 2014
Motion to remove by Councillor Cameron, seconded by Councillor Herzog. So voted. Motion to approve 1st reading as amended and order published by CouncillorCameron, seconded by Councillor Herzog. Roll call vote, 10 yes, 1 absent (Giunta). So voted.

2nd Reading
Ordinance #4
Aug. 11, 2014

CITY OF NEWBURYPORT

IN CITY COUNCIL

JULY 9, 2014

ORDERED:

AN ORDINANCE TO AMEND ARTICLE XVIII (DOWNTOWN OVERLAY DISTRICT) OF THE ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

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

THAT Sections XXVII-E and XXVII-F of Article XXVII the Zoning Ordinance be amended pursuant to Section XII-B "Adoption and Amendment" as follows:

XXVII-E Exclusions.

Under Subsection XXVII-E.3, after the word "doors" insert the following text: ", signs,".

XXVII-F Procedure and criteria.

Under Subsection XXVII-F.4(b), in the second paragraph, entitled "**Advisory Reports,**" replace the text reading "The SPGA shall engage such specialist no later than seven (7) calendar days after it has received a complete application." with the following text: "The SPGA shall engage such architect, engineer, or specialist no later than seven (7) calendar days after its having opened the required public hearing on the matter."

Under Subsection XXVII-F.4(d), entitled "**Employment of Outside Consultants,**" replace the text reading "this section" with the following text: "this Subsection XXVII-F.4".

At the end of Subsection XXVII-F.5(a)(iii), insert the following text: "The portions of this Subjection XXVII-F.5 (and its regulations, if any) requiring the payment of consultant fees are promulgated under the concurrent authority of Massachusetts General Laws Chapter 44, Section 53G."

Under Subsection XXVII-F.5(d), entitled "**Staff-level Review,**" after the word "doors" insert the following text: ", signs".

Under subsection XXVII-F.5(k), entitled "**Signs and Awnings,**" after the word "prohibited" insert the following text: "(provided however, that the SPGA or the office of planning and development, as the case may be, may approve the use of carved high-density sign foam or foam board when the finished surface will have a matte [non-glossy] finish)."

At the end of Subsection XXVII-F.5(k), entitled "**Signs and Awnings,**" insert the following text: "Installation of signage that does not comply with this section shall be subject to a variance from the zoning board of appeals in accordance with Section X-H.6."

Councillor Jared J. Eigerman

In City Council May 27, 2014
Councillor Cameron moved to collectively refer #3, #4, #5 to P&D Committee and Planning Board, seconded by Councillor Herzog, so voted.

In City Council July 14, 2014
Motion to remove collectively items 5 & 6 by Councillor Cameron, seconded by Councillor Connell. So voted. Motion to approve 1st reading and order published collectively items 5 & 6 by Councillor Cameron, seconded by Councillor Connell. Roll call vote, 9 yes, 1 no (O'Brien), 1 absent (Giunta). So voted.

2nd Reading
Ordinance #5
Aug. 11, 2014

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

July 14, 2014

AN ORDINANCE TO AMEND ARTICLE XXVIII (DEMOLITION CONTROL OVERLAY DISTRICT) OF THE ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

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

THAT Sections XXVIII, XXVIII-C, and XXVIII-E of Article XXVIII of the Zoning Ordinance be amended pursuant to Section XII-B "Adoption and Amendment" as follows:

SECTION XXVIII: DEMOLITION CONTROL OVERLAY DISTRICT

Change the title of Section XXVIII from "DEMOLITION CONTROL OVERLAY DISTRICT" to "DEMOLITION CONTROL OVERLAY DISTRICT (DCOD)."

XXVIII-C Establishment.

Under Subsection XXVIII-C.3, entitled "**No Demolition Delay**," replace the text reading "The provisions of Article X of Section 5 of the Newburyport Code (building Demolition) shall not apply to any demolition subject to this section" with the following text: "The provisions of Article X of Chapter 5 of the Newburyport Code (Building Demolition) shall not apply to any demolition within the DCOD subject to review and approval by the SPGA under this section, but shall apply to new construction, demolition, or alteration involving roof lines, roof pitch, or dormers of historically significant building or structures as defined therein."

XXVIII-E Procedure and criteria.

Under Subsection XXVIII-E.4, entitled "**Advisory Reports**," replace the text reading "The SPGA shall engage such specialist no later than seven (7) calendar days after its having received a complete application." with the following text: "The SPGA shall engage such architect, engineer, or specialist no later than seven (7) calendar days after its having opened the required public hearing on the matter."

Councillor Jared J. Eigerman

In City Council May 27, 2014
Councillor Cameron moved to P&D Committee and Planning Board, seconded by Councillor Herzog, so voted.

In City Council July 14, 2014
Motion to remove collectively items 5 & 6 by Councillor Cameron, seconded by Councillor Connell. So voted.
Motion to approve 1st reading and order published collectively items 5 & 6 by Councillor Cameron, seconded by Councillor Connell. Roll call vote, 9 yes, 1 no (O'Brien), 1 absent (Giunta). So voted.

2nd Reading
Ordinance #6
Aug. 11, 2014

CITY OF NEWBURYPORT

IN CITY COUNCIL

AUGUST 11, 2014

ORDERED:
AN ORDINANCE TO REGULATE EVENTS CHARGING ENTRY FEES OR SOLICITING DONATIONS WHICH UTILIZE CITY STREETS AND SIDEWALKS

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

General ordinance:

PART 2 CHAPTER 13-97: ROAD RACES, WALKATHONS, BICYCLE AND OTHER MULTI DISIPLINED EVENTS

Short Title: Road Races, Walkathons and Bicycle events

13-98 Purpose and intent

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

13-99 Definitions

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

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

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

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

13-100 Limitations

(a) *"Procedure"* All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, board of directors, charity foundation or designee apply for authorization to hold the event through the Office of the City Clerk. The City Clerk upon review of the completed form will place the application on the regular City Council agenda. Upon following the procedures of the Council, as deemed appropriated in the sole judgment of the Council, the application will be considered approved if the Council votes favorably by majority. The event will name one person responsible on the application and shall provide contact information to include name, address and telephone number.

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

(c) *"Course map"*, All applications shall be accompanied by a course map showing the event route, water stops, refreshment stops, and so-called "porta-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by Police, Fire, Department of Public Services, Parks Commission and Harbormasters Departments prior to submission to the City Clerk.

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

(e) *"Road Closure"* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents ten (10) days in advance that neighborhood roads will be closed if no alternate route is available to those residents. Notification shall be made by race organizers by informational packet drop-off at all residences that may be impacted. In the case of multi-family residences with so-called security doors, notification will be sufficient at said security door. Press releases and other media type notifications are encouraged.

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

(g) *"Event termination"* If in the judgment of the City Marshal, Fire Chief or Department of Public Services (DPS) Director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the Harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.

(h) *"Event and traffic Security"* The City Marshal, Fire Chief, DPS Director or in the case of a triathlon, the Harbormaster can require special duty personnel to assist in the organizing and coordinating the safety and security of the event. All special duty assignments will be paid by the event organizers.

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

13-101 Enforcement

(a) *"Regulations"* Consistent with this ordinance, the city shall promulgate regulations to enforce and otherwise implement the provisions of this ordinance upon passage by the City Council. Any event previously approved by City Council shall be deemed permitted.

(b) *"Warning"* In the circumstance that this ordinance is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the City Clerk and City Council and may be used as a factor in future application approvals and denials.

(c) *"Noncriminal Disposition"* If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided bin Massachusetts General Law as adopted by the City of Newburyport as a general ordinance in Subsection 1-17 of Chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in 13-101(d)

(d) *"Violation" The* non-criminal violation shall be $100.00 for the first offense and $250.00 for second and subsequent offenses. Any non-criminal citations issued for violation(s) will be reported to the City Clerk and City Council and shall be used as a factor in future application approvals and denials.

Councillor Robert J Cronin
Public Safety Chair

2nd Reading
Ordinance #7
Aug. 11, 2014

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

June 30, 2014

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

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

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-174	Parking limited—Generally

Delete from the table:

State	Westerly side from the intersection of Route 1 and State Street and continuing approximately 310 feet in a northerly direction from 8:00 a.m. to 4:00 p.m. Monday through Friday, excluding holidays.

Add to the table:

State	For a period longer than four (4) hours between the hours of 6:00 a.m. to 7:00 p.m. during weekdays, excluding holidays, on either side from the intersection of Route 1 and State Street and continuing in a northerly direction approximately 1,250 feet.

Councillor Jared J. Eigerman

In City Council June 30, 2014
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Cameron. So voted.

In City Council July 14, 2014
Motion to remove by Councillor Cronin seconded by Councillor Cameron. So voted. Motion to approve 1st reading and order published by Councillor Cronin, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Giunta). So voted.

2nd Reading
Ordinance #8
Aug. 11, 2014

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

June 30, 2014

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

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

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-168	Parking restricted on certain streets.

Add:

Fair Street	Parking for Salvation Army business only, between the hours of 8:00 a.m. and 6:00 p.m., weekdays, excepting holidays: Westerly side of Fair Street from northerly edge of driveway at 2 Fair Street to Water Street.

Councillor Jared J. Eigerman

In City Council June 30, 2014
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Vogel. So voted.

In City Council July 14, 2014
Motion to remove collectively items 7 & 8 by Councillor Cronin, seconded by Councillor Cameron. So voted.
Motion to approve 1st reading and order published collectively items 5 & 6 by Councillor Cronin, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Giunta). So voted.

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

June 30, 2014

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

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

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

Amend:

Subsection (g)(2) *Zone 2*:

(b) Fair Street, on the easterly side between Liberty Street and Water Street, and on the westerly side, between Liberty Street and southerly edge of driveway at 2 Fair Street

Councillor Jared J. Eigerman

In City Council June 30, 2014
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Vogel. So voted.

In City Council July 14, 2014
Motion to remove collectively items 7 & 8 by Councillor Cronin, seconded by Councillor Cameron. So voted.
Motion to approve 1st reading and order published collectively items 5 & 6 by Councillor Cronin, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Giunta). So voted.

2nd Reading
Ordinance #10
Aug. 11, 2014

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

June 3, 2014

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

Chapter 13 Traffic and Motor Vehicles
Article IV Specific Street Schedules
Division 7 Speed Limits

Add:

Sec. 13-187. Thirty miles per hour.

The speed limit shall be thirty (30) miles per hour on the following streets or portions thereof:

Low Street from Storey Avenue for a distance of .29 miles in both directions.

Sec. 13-188. Thirty-five miles per hour.

The speed limit shall be thirty-five (35) miles per hour on the following streets or portions thereof:

Low Street from Route 1 (Newburyport Turnpike) for a distance of 1.62 miles in both directions.

Councillor Robert J. Cronin

In City Council June 30, 2014
Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Cameron. So voted.

In City Council July 14, 2014
Motion to remove by Councillor Cronin seconded by Councillor Cameron. So voted. Motion to approve 1st reading as amended and order published by Councillor Cronin, seconded by Councillor Connell. Roll call vote, 10 yes, 1 absent (Giunta). So voted.

2nd Reading
Ordinance #11
Aug. 11, 2014

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

June 30, 2014

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

Chapter 13 Traffic and Motor Vehicles
Article IV Specific Street Schedules
Division 6 Stopping, Standing and Parking
§ 13-179 Handicapped Parking

No person without a duly authorized handicapped vehicle registration or placard, as described in MGL, Chapter 90, § 2, shall park in the following described parking space as designated by signs and symbols:

ADD:
Woodland Street
One (1) space at 4 Woodland Street until July 1, 2016.

Councillor Tontar

In City Council June 30, 2014
Motion to refer to Public Safety by Councillor Tontar, seconded by Councillor Giunta. So voted.

In City Council July 14, 2014
Motion to remove by Councillor Cronin, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Giunta). So voted.

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

August 11, 2014

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

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

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-168	Parking restricted on certain streets

Amend:

No person shall park any vehicle on the following streets or portions of streets as indicated below:

Street	**Extent**
Olive Street	On the easterly side from Merrimac Street running northerly for a distance of 40 feet.

Councillor Robert J. Cronin

CITY OF NEWBURYPORT

IN CITY COUNCIL

May 27, 2014

ORDERED:

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

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

THAT the Zoning Ordinance be amended pursuant to Section XII-B "Adoption and Amendment" as follows:

Section V-D: Table of Use Regulations

Add the following:

Use	NUM	CON	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-1B	I-2	M	WMD	WMU
Medical Marijuana Treatment Center	217	NP	NP	NP	NP	NP	NP	NP	SP[(h)]	SP[(h)]	NP	NP	NP	NP

(h) See Section V-G entitled "Medical Marijuana Treatment Centers" for additional requirements and restrictions.

Section V-E: List of Allowable Uses

Add the following:

Medical Marijuana Treatment Center 217 See Section V-G for definition of use and requirements therefor.

Section VI: Dimensional Controls

Table of Dimensional Requirements

Add the following:

								Yard Requirements		
Use	NUM	District	Lot Area	Street Frontage	Height	% Lot Cov.	Open Space	Front	Side	Rear
Medical Marijuana Treatment Center	217	I-1	50,000	90	40	50	NA	50	50	50
		I-1B	50,000	90	40	50	NA	50	50	50

Section V: Use Regulations

Delete Section V-G, entitled "Temporary Moratorium on Medical Marijuana Treatment Centers" in its entirety and replace said Section with the following:

V-G: Medical Marijuana Treatment Centers

A. Purpose

Pursuant to Chapter 40A of the Massachusetts General Laws, as well as under the home-rule powers of the city pursuant to Sections 1 and 6 of Article II of the Articles of Amendment of the Constitution of the Commonwealth of Massachusetts, as amended by Article LXXXIX of said Articles of Amendment, a Medical Marijuana Overlay District (MMOD) and a discretionary Medical Marijuana Treatment Center (MMTC) special permit (MMTC-SP) are hereby established due to the unique potential secondary adverse impacts of so-called "Medical Marijuana Treatment Centers" in the City of Newburyport.

The purpose of this section is to provide for the placement of MMTC, in accordance with the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq., in locations suitable for lawful medical marijuana facilities and to minimize adverse impacts of MMTC on adjacent properties, residential neighborhoods, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security, and removal of MMTC.

B. Definitions

Where not expressly defined in the Zoning Ordinance, terms used in this section (V-G) shall be interpreted as defined in the Humanitarian Medical Use of Marijuana Act, G.L. c.94C, App. §1-1, et seq. and the Department of Public Health Regulations promulgated thereunder, 105 CMR 725.001, et seq., and otherwise by their plain language.

"Medical Marijuana Treatment Center": A not-for-profit entity and/or facility, as defined by Massachusetts law only, registered by the Massachusetts Department of Public Health (DPH) under 105 CMR 725.100, that acquires, cultivates, possesses, manufactures, processes (including development of related products such as edible marijuana-infused products ("MIPs"), tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, delivers, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, MMTC refers to all site(s) of dispensing, cultivation, and preparation of marijuana.

C. Establishment

Medical Marijuana Overlay District: A Medical Marijuana Overlay District (MMOD) is hereby established as an overlay zoning district consisting of all such parcels of land depicted on the Newburyport zoning map within the following areas:

1. All that portion of the I1B District North of Hale Street; and
2. All that portion of the I1 District South of Stanley Tucker Drive, North of Parker Street and West of Malcolm Hoyt Road.

Underlying Zoning: Within the MMOD, all the other provisions of the zoning ordinance, including, but not limited to, those specific to any underlying districts, shall remain in full force and effect except to the extent that the provisions of this section apply, in which case the requirements of the MMOD shall control.

Land within the MMOD may be used either for:

i. A MMTC, in which case the requirements set forth in this section shall apply; or
ii. A use allowed in the underlying district, in which case the requirements of the underlying district shall apply.

If the provisions of the MMOD are silent on a zoning regulation, the requirements of the underlying district shall apply. To the extent that there is a conflict between other provisions of the zoning ordinance and the provisions of this section, then the provisions of this section shall control.

SPGA: Consistent with Subsection V-G(D), the zoning board of appeals shall serve as the special permit granting authority (SPGA) in administering this section.

D. Permitting Procedure and Criteria

Special Permit Required: Medical Marijuana Treatment Centers may be permitted in the MMOD but only pursuant to a Special Permit hereunder. The zoning board of appeal shall act as the SPGA for purposes of this section, and it shall review and may deny, approve, or approve with conditions all applications hereunder in accordance with the procedures listed in Subsection X-H.8. The SPGA shall approve a MMTC-SP if the SPGA determines that the proposed use as described in the application meets all the requirements of this section and, in addition, the special permit criteria of Subsection X-H.7. Application for a special permit shall be submitted to the SPGA pursuant to the submission requirements, and procedures contained in Section X-H.7.

Documentation Required to Support an Application: To support a MMTC-SP application, the applicant shall provide as part of the application to the SPGA the following documentation:

1. A copy of its registration as a MMTC from the Massachusetts Department of Public Health ("DPH");
2. A letter from the owner of the property on which the proposed MMTC is to be located indicating approval of the proposed use and submission of the application to the SPGA.
3. A detailed floor plan of the premises of the proposed MMTC that identifies the square footage available and describes the functional areas of the MMTC, including but not limited to areas for any preparation of Marijuana Infused Products;
4. Detailed site plans that include the following information:
    a. Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this Ordinance;
    b. Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
    c. Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
    d. Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises (and anticipated number of visitors), including designated parking for employees and home delivery vehicle(s), as applicable;
    e. Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
    f. Adequacy of water and electrical supply, surface and subsurface drainage and site lighting.
5. A description of the security measures, including employee security policies, approved by DPH for the proposed MMTC;
6. A copy of the emergency procedures approved by DPH for the proposed MMTC;
7. A copy of the policies and procedures for patient or personal caregiver home-delivery approved by DPH for the proposed MMTC;
8. A copy of the policies and procedures for the transfer, acquisition, or sale of marijuana between MMTCs approved by DPH;
9. A copy of proposed waste disposal procedures for the proposed MMTC;
10. A description of any waivers from DPH regulations issued for the MMTC.
11. A detailed description of the applicants proposed measures to advertise services available at the proposed MMTC including but not limited to the use of websites, local media and signage.
12. A Traffic Impact Analysis (Traffic Study) for the proposed use and site consistent with the requirements of Section XV-E(b)(4) of this Ordinance; and
13. Documentation regarding the projected use of public and private utilities and infrastructure for operation of the proposed facility, including, but not limited to:
    a. Water
    b. Wastewater
    c. Electricity

These materials shall be in addition to those submission materials required in section X-H(7) "Special Permits."

Traffic & Impact Studies: To aid the SPGA in its review, the owner shall pay all costs for the SPGA to engage a properly licensed traffic engineer, consulting engineer or other professionals experienced in the review of traffic studies and/or community impact reports, deemed necessary in the opinion of the SPGA to ensure that the proposed MMTC will not unduly burden the City's water and wastewater systems or result in undue traffic congestion or safety concerns in the immediate vicinity of the proposed facility and/or site. The portions of this section (and its regulations, if any) requiring the payment of consultant fees are promulgated under the concurrent authority of Massachusetts General Laws Chapter 44, Section 53G.

Location: A MMTC may not be located within 1000 feet of the following:

A. School, including a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university;
B. Child Care Facility;
C. Library
D. Playground
E. Public Park
F. Youth center
G. Public swimming pool or
H. Similar facility in which minors commonly congregate.

The distance under this section shall be measured in a straight line from the nearest point of the property line of the protected uses identified above to the nearest point of the property line of the proposed MMTC.

Signage: All signage shall conform to the requirements of the Newburyport Zoning Ordinance. The SPGA may impose additional restrictions on signage as appropriate to mitigate any aesthetic impacts.

Departmental Review: The SPGA shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, and the Department of Public Works. These boards/departments shall review the application and shall submit their written recommendations to the SPGA. Failure to make recommendations within 45 days of referral of the application shall be deemed lack of opposition.

E. Decision and Conditions of Approval

Public Hearing and Decision: After notice and public hearing (in accordance with Section X-H(7) and consideration of application materials, consultant reviews, public comments, and the recommendations of other City boards and departments, the SPGA may act upon such a permit.

Required Findings: The SPGA may approve a MMTC-SP application only if it makes written findings based upon evidence in the record that the applicant has satisfied the requirements of this section and section X-H(7)(A).

Special Permit Conditions: The SPGA shall impose conditions upon the issuance of a MMTC-SP reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's MMTC, the SPGA shall include the following conditions in any special permit granted under this Section:

i. Hours of Operation
ii. The permit holder shall file a copy of any Incident Report required under 105 CMR 725.110(F) with the Building Inspector, Director of Planning and Development, Director of Public Health, Police and Fire Departments and the SPGA within 24 hours of creation by the MMTC. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.
iii. The permit holder shall file a copy of any cease and desist order, quarantine order, suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the MMTC with the Building Inspector, Director of Planning and Development, Director of Public Health and SPGA within 48 hours of receipt by the MMTC.
iv. The permit holder shall provide to the Building Inspector, Director of Planning and Development, Director of Public Health, Fire Chief and Police Marshal, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
v. The special permit authorizing the establishment of a MMTC shall be valid only for the specific registered entity to which the special permit was issued, and only for the site on which the MMTC has been authorized by special permit. If the registration for the MMTC has been revoked by the DPH or if the

MMTC registration is to be transferred to another controlling entity, or is to be relocated to a different site within the MMOD, a new special permit shall be required.

vi. An MMTC shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home deliveries to qualified clients pursuant to applicable state and local regulations.

vii. The special permit shall lapse upon the expiration or termination of the applicant's registration by DPH.

viii. The permit holder shall notify the Building Inspector, Director of Planning and Development, Director of Public Health, Fire Chief and Police Marshal and the SPGA in writing within 48 hours of the cessation of operation of the MMTC or the expiration or termination of the permit holder's registration with DPH.

ix. The permit holder shall at all times comply with regulations regarding MMTCs promulgated by the Board of Health.

x. The Police Department, Fire Department, Building Inspector and Director of Public Health shall have the right to inspect the subject premises to assure compliance with the special permit.

xi. Prohibition Against Nuisances: No use or operation shall be allowed at any MMTC which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

F. Severability

The provisions of this section are severable. If any of its provisions, sections, subsections, paragraphs, sentences, or clauses, or the application thereof to any person, entity, establishment, or circumstances shall be held to be invalid or unconstitutional by any court of competent jurisdiction, then the remainder of this section shall continue to be in full force and effect.

Councillor Jared Eigerman

COMMITTEE ITEMS

License & Permits

Communication #13
June 30, 2014

City of Newburyport

refer L&P BV + AH Friney Committee of the Whole

City Council

Newburyport City Hall
60 Pleasant Street
P.O. Box 550
Newburyport, MA 01950

Tel: 978-465-4407
Fax: 978-462-7936

June 24, 2014

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

Re: Health Director, City of Newburyport

Dear President O'Brien and Members of the Council,

There have been numerous concerns, questions, complaints and frustrations expressed to me by members of the community in regard to the manner of enforcement and approach by the Director of Public Health, Robert Bracey.

As a result, I would like to request that the Council, through the use of Section 2-7 (a)&(b) of the Home Rule Charter, refer this matter to the License and Permits Committee in order that the aforementioned concerns, questions, complaints and frustrations can be discussed with the Director. The intent is to assist the Director in drafting an approach that presents Newburyport as a community welcoming to business.

For reference please see the following section of the Home Rule Charter:

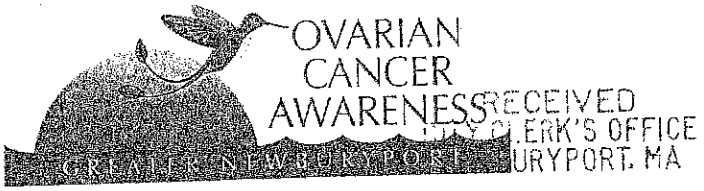
> Sec. 2-7. Access to information.
> (a) In general. The city council may make investigations into the affairs of the city and into the conduct and performance of any city agency.
> (b) City officers, members of city agencies, employees. The city council may require any city officer, member of a city agency or city employee to appear before it to give any information that the city council may require in relation to the municipal services, functions, powers, or duties which are within the scope of responsibility of that person and within the jurisdiction of the city council.

Respectfully,

Bruce L. Vogel, Ed.
Councilor At Large

Public Safety

PS



Communication #5
June 30, 2014

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2014 JUN 16 A 11: 56

June 16, 2014

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

Dear Members of the Newburyport City Council,

I am writing to ask for your permission to hold the 4th 5K run/walk (the actual name of the race will be determined later this month) in honor of Jackie Poor and Paula Holm in Newburyport, MA on Sunday September 28th, 2014 from 10:30 – 1pm. The event, was previously called the Jackie Poor Memorial Walk.

Our organization is the Greater Newburyport Ovarian Cancer Awareness, GNOCA. Deb Green and Elaine Carroll, both of Newburyport, are the founders. The 5K will begin and end at Michael's Harborside Restaurant and Bar located at 1 Tournament Wharf, Newburyport, MA.

We raise money for Ovations for the Cure, a non-profit organization, located in Natick, MA. Ovations for the Cure is devoted to directing attention to Ovarian Cancer. This year we are hoping to increase the number of participants by offering a timed 5K run. Joppa Flats Running Club will be providing timing and consultation services for us. The club has a strong background with 5K races and will help direct our attention to any issues that might arise and help the event go smoothly.

Ovarian Cancer is a particularly devastating cancer for Women. It has a 50% mortality rate because the symptoms often go unnoticed until it is in its later stages. GNOCA holds events from June through September, which is National Ovarian Cancer Awareness month.

Our hummingbird is a symbol for accomplishing that which seems impossible and discovering the miracle of joyful living from one's own life circumstances.

From *Animal Speak* by Ted Andrews

I have included the 5K route suggested by Joppa Flats Running Club. The 3.1 mile route begins and ends at Michael's Harborside Restaurant, who will also be providing the majority of parking. It then travels along Merrimac St. to Jefferson St., continues onto High St., then Kent. We then turn onto Washington and follow the Rail Trail and finish at Michael's Harborside. Please see the attached map.

Thank you so much for your support in previous years. My Mom, Jackie Poor truly would have loved what we have been able to do. I look forward to working with the council.
If you have any questions or concerns please feel free to contact me.

Sincerely,
Amy Poor, Ova-Achieva 5K Director
amypoor@mac.com
206-999-0164

15

Communication #6
June 30, 2014

June 16th, 2014

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2014 JUN 17 A 10: 14

Eli Bailin
55 Prospect St.
Amesbury, MA 01913

Dear Office of the Newburyport City Clerk and Council,

I am writing to request the approval for the 2014 Newburyport Green Stride Half Marathon & Relay for October 26th at approximately 11:00am. Please see a map of the course that is attached. We will be using the same course from 2012 and 2013 as it worked well for the city police and local traffic. Also attached is a letter from Arthur Page Insurance confirming the details of the policy in which the city of Newburyport is named and insured. I appreciate your time and look forward to another successful event.

The only difference this year from previous years is that the hosting location of the race will be at the Cashman Baseball/Softball Field. The Newburyport Parks and Rec Dept has already approved us to use this facility. But again, there have not been changes to the course.

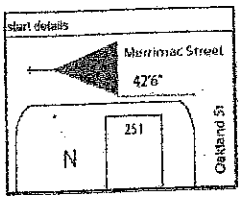
Sincerely,

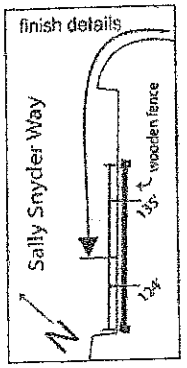
Eli Bailin

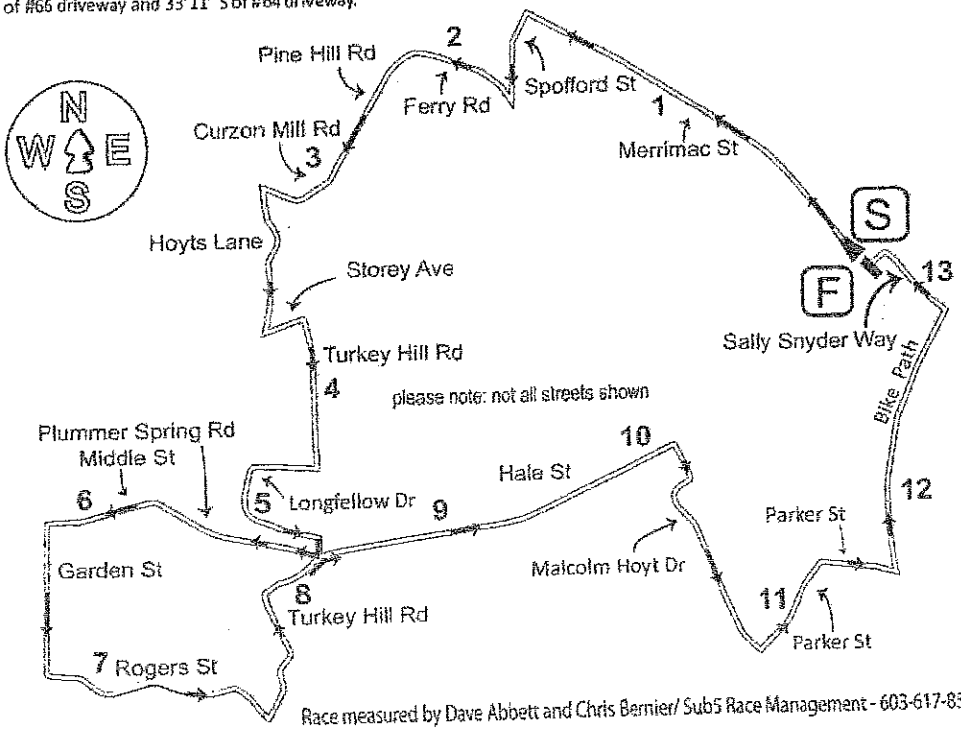
GREEN Stride Newburyport Half Marathon

Newburyport, MA

Start is located on Merrimac Street heading NW. It is located 42'6" NW of a bisecting line of the NW edge of Oakland St. in front of 251 Merrimac St. It is marked in white painted "S" with arrow and 3 p-k nails.
Mile 1 is on Merrimac St at the end of Moulton Street. It is located 6'8" NW of a sewer cap and 48'4" SE of another sewer cap. All mile markers are painted white with mile marker and a race direction arrow.
Mile 2 is on Ferry Road heading W. It is 71' W of UP#29.
Mile 3 is on Curzon Mill Rd heading W. It is 21'11" W of a bisecting line at W edge of Daniel Lucy Way and 96'10" E of end of a large rock wall.
Mile 4 is on Turkey Hill Rd heading S. and 78'6" S of UP#8/6
Mile 5 is on Longfellow Drive heading S. In front of 64 Longfellow Dr, and 35'7" N of #66 driveway and 33'11" S of #64 driveway.
Mile 6 is on Plummer Spring Rd. 50' W of UP2/181.
Mile 7 is on Rogers St. It is at the S edge of driveway #10.
Mile 8 is on Turkey Hill Rd 115'1" S of UP#6.
Mile 9 is on Hale St on bridge going over Interstate 95. It is 59'5" E of W edge of bridge and 248'2" W of E edge of bridge.
Mile 10 is on Hale St 16'2" E of UP#11.
Mile 11 is on Parker St 4'9" S of edge of road curb, It is just north of Malcolm Hoyt corner.
Mile 12 is on bike path with S entrance at Parker St. It is 1584' N of wooden pergola.
Mile 13 is on Sally Snyder Way 55'2" NE of S edge of parking lot and 55' SE of N edge of parking lot.
Finish is on Sally Snyder Way and on N side of Cashman Park 135' S of N end and 124'N of S end of sturdy wooden fence







PLEASE NOTE - the following streets are restricted to the right side of the road when following race direction: Spofford, Ferry, Pine Hill, Curzon Mill, Hoyts, Storey, Turkey Hill (between mile 4 and 5 only) and Hale. Left restricted roads include Merrimac, Rogers and Malcolm Hoyt. Race director to maintain integrity of the restrictions race day.

USATF Certification #MA12038
Effective 10/17/2012 - 12/31/2022
Drop 0.25 m/Km, Separation 1.14%

Race measured by Dave Abbett and Chris Bernier/ Sub5 Race Management - 603-617-8309 dave.abbett@gmail.com/Monday, October 8, 2012

USA TRACK&FIELD™

Road Running Technical Council
USA Track & Field

Measurement Certificate

recognized by RRCA

Name of the course Green Stride Newburyport Half Marathon Distance 21.0975 km

Location (state) MA (city) Newburyport

Type of course: road race ☒ calibration ☐ track ☐ Configuration: loop

Type of surface: paved 100 % dirt ____ % gravel ____ % grass ____ % track ____ %

Elevation (feet above sea level) Start 20 Finish 3 Highest 102 Lowest 3

Straight line distance between start & finish 0.15 mi. Drop 0.25 m/km Separation 1.14 %

Measured by (name, address, phone & e-mail) Dave Abbett, 29 Ledgerview Dr.,

Rochester NH 03839; phone: 603-617-8509; email: dave.abbett@gmail.com

Rochester NH 03839; phone: 603-617-8309; email: dave.abbett@gmail.com

Race contact (name, address & phone) Eli Bailin, 22 Prospect St, Amesbury MA 01913-1615; phone: 978-270-2026

Measuring Methods: bicycle ☒ steel tape ☐ electronic distance meter ☐

Number of measurements of entire course: 2 Date(s) when course measured: Oct 8, 2012

Race date: Oct 21, 2012 Course certification effective date: Oct 17, 2012

Replaces: _____ (if applicable) Certification code: MA12038JK

Notice to Race Director
Use this Certification Code in *all* public announcements relating to your race.

Be It Officially Noted That

Based on examination of data provided by the above named measurer, the course described above and in the map attached is hereby certified as reasonably accurate in measurement according to the standards adopted by the Road Running Technical Council. If *any* changes are made to the course, this certification becomes void, and the course must then be recertified.

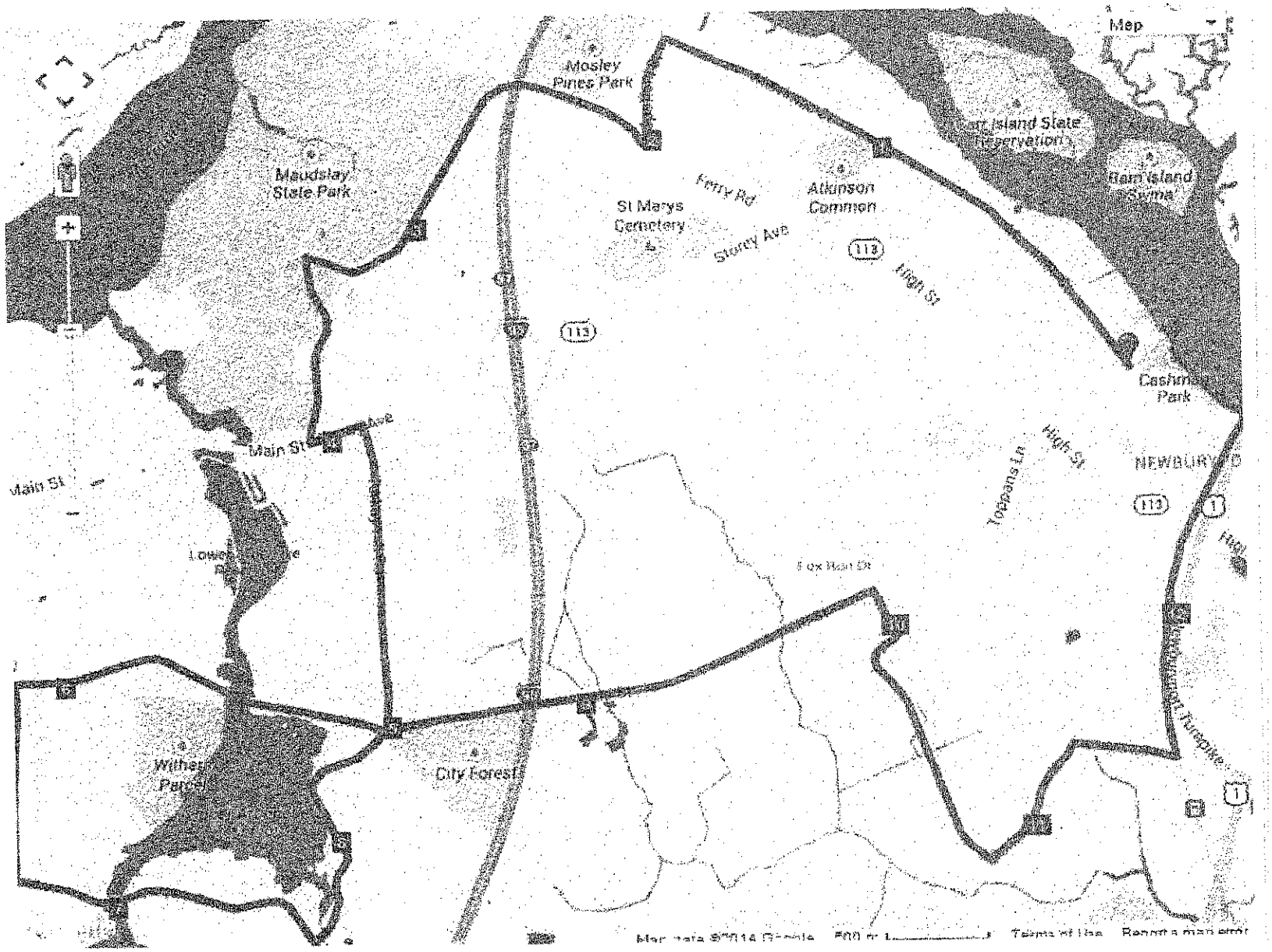
Validation of Course — In the event a National Open Record is set on this course, or at the discretion of USA Track & Field, a validation remeasurement may be required to be performed by a member of the Road Running Technical Council. If such a remeasurement shows the course to be short, then all pending records will be rejected and the course certification will be cancelled.

This certification expires on December 31 in the year 2022

AS NATIONALLY CERTIFIED BY:

Justin Kuo Date: Oct 18, 2012

Justin Kuo • USATF/RRTC National Certifier • 39 Oakland Road, Brookline, MA 02445-6700
Phone: 617-731-9889 • Fax: 617-939-0992 • Email: jkuo@usatfne.org


Map
Mosley Pines Park
Maudslay State Park
St Marys Cemetery
Ferry Rd
Storey Ave
Atkinson Common
High St
Bare Island State (Reservation)
Bare Island Swim
Cashman Park
NEWBURYPORT
Toppans Ln
Fox Run Dr
Main St
Lower Atkinson Pond
Wither Park
City Forest
Newburyport Turnpike
Map data ©2014 Google
500 m
Terms of Use
Report a map error

Arthur S. Page Insurance
57 State Street · PO Box 391
Newburyport MA 01950

Phone (978) 465-5301 · Fax (978) 462-0890

www.ArthurPage.com

June 17, 2014

Green Stride Newburyport Half
Eli Bailan
55 Prospect St.
Amesbury, MA 01950

Dear City of Newburyport,

For the past three years Page Insurance has insured Eli Bailan and the Green Stride Newburyport Half Marathon. As part of this insurance we will name the City of Newburyport as additional Insured.

Where the date of the next race is potentially going to be October 26th 2014 it is too early to obtain insurance. When the race is within a month away we will work with Eli to obtain coverage for 1million to protect himself along with the City of Newburyport.

If you have any questions please feel free to contact me directly. I have added a copy of last year's coverage for your review.

Sincerely,

Jacqueline Page
Jackie@arthurpage.com

Communication #8
June 30, 2014

ps

Proposal
Newburyport River Run ½ Marathon and 5k

Julie Bokat/Jeanne Carter
Fuel Training Studio
jj@fueltrainingstudio.com
75 Merrimac St.
Newburyport, MA 01950
Julie 617.694.5489
Jeanne 978.270.0020

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2014 JUN 20 A 9:40

Date: Sunday, May 31st, 2015
Race Time: 8 AM – 12 AM
Post Race Festivities 11-3pm including clean up
Site: Towle Building parking lot, left hand side
Beer Tent - 11 AM -2 PM
10-15 Vendor Booths

13.1 Mile Route:
Race begins on Merrimac st. in front of the North End Boat Club.

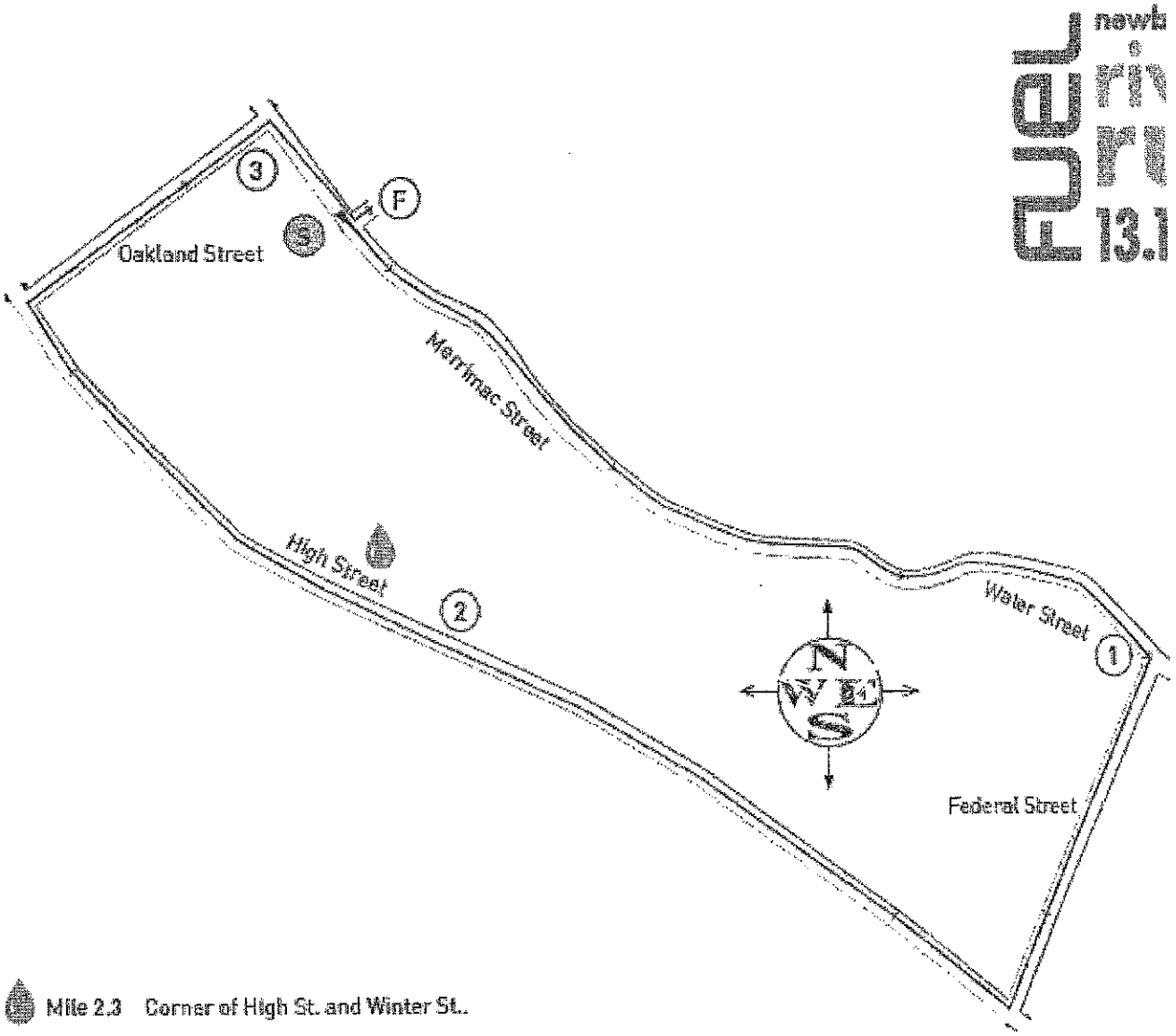
1. Down Merrimac to Rolfe's Lane
2. Right on Rolfe's Lane over Route 1A
3. Continue on Hanover to Green Street
4. Take a right on Hay Street
5. Take a left on Newman Road
6. Left on Route 1A
7. High Street bear right on Moseley Avenue
8. Take a right on Lucy Dr.
9. Take a right on Doner Rd.
10. Take a left on Merrimac Street, back to the Towle Building

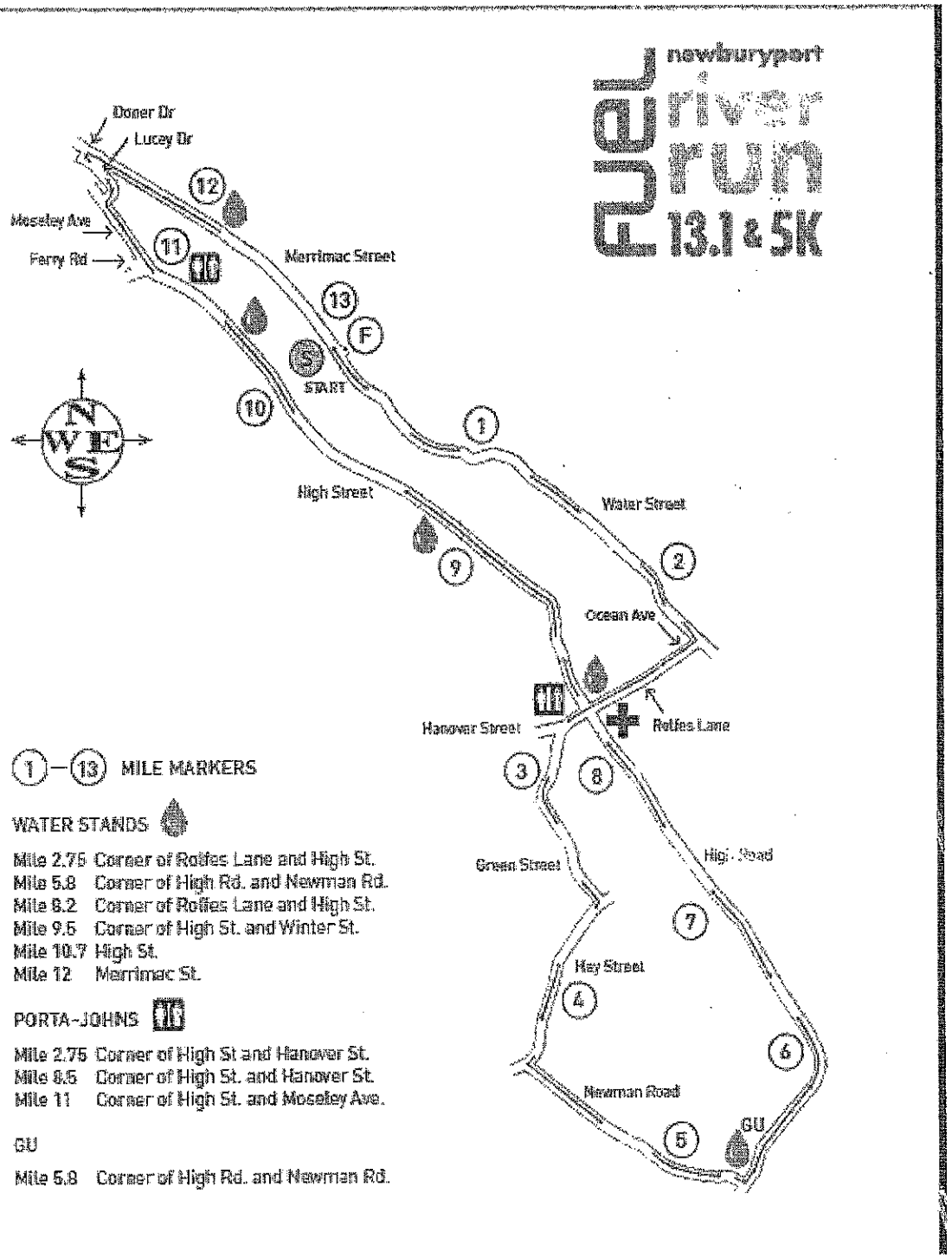
5 Mile Route:
Race would begin in the same spot as the 13.1 route.

1. Down Merrimac to Federal St.
2. Right on Federal
3. Right on High St.
4. Right on Oakland St.
5. Ending at the entrance to the Towle Building.

Lynn Varney

From: Fuel Training <jj@fueltrainingstudio.com>
Sent: Friday, June 20, 2014 9:42 AM
To: Lynn Varney
Subject: Re: One Day Liquor License application





On Jun 20, 2014, at 9:25 AM, Lynn Varney wrote:

Hi Julie-

I received the outline, do you also have a physical diagram of the race? They usually request that.

The City Council meeting is Monday June 30th at 7:30pm in the City Council Chambers. You will be on that agenda.

Let me know if you have any other questions. Thanks.

Lynn Kinsella Varney

Communication #9
June 30, 2014

PS

128

94 non voters

CITIZENS' PETITION FOR CITY COUNCIL RECONSIDERATION OF RE[illegible] FRANKLIN ST. "NO PARKING" ZONE DECISION

RECEIVED
CITY CLERK'S OFF
NEWBURYPORT, M
2014 JUN 20 A 11

We, the undersigned, concerned residents of Newburyport, Massachusetts, as well as local health care providers, business owners and including customers, clients and other concerned citizens, do hereby petition the Newburyport City Council to re-open and re-consider their recent decision to create a "No-Parking" zone on Franklin Street. Said "No-Parking" zone, exists currently on the west side of Franklin Street, beginning at the property line between 10 and 8 Franklin Street and running thenceforth northward to Water Street.

We respectfully submit this petition as the formal request for Newburyport, MA City Council re-consideration of this "No-Parking" zone decision. Said request for action includes: re-opening this decision as well as all necessary and related hearings, with the intent of vacating the "No Parking" zone decision, as above.

Filed and submitted by said undersigned concerned citizens of Newburyport, as well as others, this 20th day of June 2014.

✓ 1.) Signature: [illegible]
Name-(Please Print): DANIEL J. DEREEN
Address: 154 Water St. - Apt. B Newburyport, MA 01950-3038

✓ 2.) Signature: Marilyn C. Deren
Name-(Please Print): Marilyn C. Deren
Address: 154B Water St. Newburyport MA 01950

✓ 3.) Signature: Johanna [illegible]
Name-(Please Print): Johanna Karst
Address: 1½ Franklin St Newburyport, MA 01950

✓ 4.) Signature: Lawrence E. Peel
Name-(Please Print): Lawrence E. Peel
Address: 6 Franklin ST NBPT MA 01950

(4)

Late File Communication #6
July 14, 2014

pS

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2014 JUL 14 P 2:07

July 14, 2014

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

Dear Mr. O'Brien and City Council Members,

My name is Maddie Dahn and I am a 12-year-old student who attends the Immaculate Conception School in Newburyport. I am writing to ask for City Council approval of our plans for the 2nd Annual Pumpkin Patch Fun Run, scheduled for Sunday, October 19th at Cashman park, Newburyport, MA from 10:00 AM (registration) – noon. I had originally requested October 26th but learned of the Newburyport Half Marathon put on by Green Stride Racing on the same day so opted to move our Fun Run to the 19th.

The Fun Run is a 1K costume run on the Newburyport Rail Trail for local area children, it was a huge success last year and the proceeds of the event go to sponsor the Youth Empowerment Services at the Jeanne Geiger Crisis Center. The Fun Run has received approval from the City of Newburyport Parks Commission.

As in the past, we have an army of volunteers who are stationed along the route to direct runners. If you have any questions, please contact me at 978-270-7513.

I hope you will look favorably upon this request. Thank you for your immediate attention to this matter. I look forward to your earliest response so that we may publicize this exciting event.

Thank you for your consideration.

Sincerely,

Maddie Dahn
Cc: Richard B. Jones, City Clerk

enclosure

Pumpkin Patch Fun Run
Sunday, October 19, 2014
Registration 10:00 am & Run 11:00 am
Newburyport Rail Trail
Newburyport, MA

"Teaching boys and girls how to act in the face of violence!"

Who:
The Jeanne Geiger Crisis Center is a non-profit organization founded in 1982 to help victims of family violence regain safety, well being and self-sufficiency. We recognize that leaving an abusive relationship is a process, and our services are designed to help victims every step of the way. We have achieved national recognition for our High Risk Team innovative approach that was created and is still implemented locally.

What:
Pumpkin Patch Fun Run!
Running together to end domestic violence, one step at a time.
Bring the Family!
Wear your costumes!

When & Where:
Sunday, October 26, 2014
Registration 10:00 am & Run 11:00 am
Meet at Cashman Park in Newburyport
and hop on the rail trail for a 1 mile fun run!
Join us after for some "Trunker Treating!"
Rain or Shine!

Why:
Youth Prevention speaks to the Jeanne Geiger Crisis Center's belief that if we are to do our jobs as fully as possible, we must work with the next generation to show them a better way of achieving healthy relationships. The Center currently offers youth prevention programs throughout the nine communities in our service area that include Healthy Relationship Workshops and our Girls Inc of the Seacoast Area program that inspires all girls to be strong, smart and bold.

This school year, we are partnering with Sport in Society, at Northeastern University Center, to offer it's nationally recognized program, Mentors in Violence Prevention (MVP). Our new Bystander Education Program that will be offered to boys and girls in four local area school districts free of charge, views student leaders not as potential perpetrators or victims, but as empowered bystanders who can confront abusive peers. Bystander intervention gives young people a role to play in preventing relationship violence.

Sponsorship Levels:
- Presenting Sponsor: $3,000
- Mentor Sponsors: $2,000
- Community Sponsors: $1,000

Registration fee: $10 per runner or $15 with T-shirt

For more information contact: Kelly Majewski ~ 978-465-0999 ~ kmajewski@jeannegeigercrisiscenter.org