

CITY COUNCIL MEETING
AGENDA - VERSION 1
September 12, 2011
7:30 PM

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

CONSENT AGENDA

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

6. **APPROVAL OF MINUTES**
August 29, 2011 (Approve)
7. **TRANSFERS**
 1. Police Sal Officers to Retirement Acct (41,940.93) Brunault and Rice (B&F)
8. **COMMUNICATIONS**
 1. Block Party – Otis Place; Green to State, Sept 24, 2011 (Approve)
 2. Ltr re Undergd Fuel Storage, Apache Oil, 75 Storey Ave, Biodiesel (PU)
9. **APPOINTMENTS** None

END OF CONSENT AGENDA

REGULAR AGENDA

10. **APPOINTMENTS – 2nd Reading**

<u>Appointment</u>			
1. Richard Sharp	11 Lincoln Street	Licensing Board	June 1, 2017
2. Stephen Dodge	57 Milk Street	Historical Commission	August 1, 2014
11. **ORDERS**
 1. Order Accepting Public Safety Mutual Aid Law MGL c40 sec 4J
 2. CPA Allocation to YWCA Affordable Housing **TABLED**
 3. CPA Allocation to Moseley to Maudslay Trail Con. Project **RECONSIDERED**
 4. Order to Move Meeting from October 11 to October 17, 2011

12. ORDINANCES

1. Section 13 Div.6 Traffic and Motor Vehicles, High and Ashland
2. Section 13 - 174 Salem Street, No Parking
3. Ordinance removed per EC
4. Section 13 - 180 Add/Delete Streets
5. Section 13-182 entitled: Hotel/Inn and Bed and Breakfast Accommodations

13. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Mayor Green Initiatives REV APPR (\$20,000) to Mayor-CHMM *11/29/2010

General Government

In Committee

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

Joint Education

In Committee:

License & Permits

In Committee:

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

Neighborhoods & City Services

In Committee:

1. Newburyport Tree Ordinance *07/22/2010
2. Delete Ordinance entitled Traffic & Motor Vehicles Sec.13-30 *02/28/2011
3. Amend Ch.8 Sec. 8-90 Solid Waste Recycling Collection *05/31/2011
4. Draft Ordinance for the Friends of the Highland Cemetery Commission *08/08/2011
5. Amend Ord. 3-26 Animals, Dogs leash required *08/29/2011

Planning & Development

In Committee:

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

Public Safety

In Committee:

1. Residential Handicap Parking Ordinance *01/11/2010

- | | |
|--|-------------|
| 2. Amend Sec. 13-86 Water St. (25mph) State to Federal | *05/09/2011 |
| 3. St. Paul's Church request to restrict parking on Summer Street entrance | *05/31/2011 |
| 4. Amend Ord 13-121 One-Way Streets Griffin Court | *07/25/2011 |
| 5. Chamber of Commerce Great Pumpkin Lighting & Stroll, Oct. 22, 2011 | *08/29/2011 |
| 6. Amend Ord.13-180 Parking Resident Harris Street from Green to State Sts | *08/29/2011 |
| 7. Amend Ord.13-180 Parking Resident Fruit Street | *08/29/2011 |
| 8. Amend Ord.13-182 Traffic and Motor Vehicles | *08/29/2011 |

Public Utilities Committee

In Committee:

- | | |
|--|-------------|
| 1. Letter regarding Pole at 114 High Street | *05/31/2011 |
| 2. Underground Storage Tank Replacement 76 Storey Ave. | *08/08/2011 |
| 3. Mayor's letter regarding True North Solar for renewable energy contract | *08/29/2011 |

Rules Committee

In Committee:

14. GOOD OF THE ORDER

15. ADJOURNMENT

CONSENT AGENDA - BEGINNING

CITY COUNCIL MEETING
Minutes - August 29, 2011
7:30 PM

Council President O'Brien called the meeting to order at 7:34 pm and asked for a moment of silence for the Bruce C. Duncan, Janet Hawkes, and former State Representative Thomas G. Palumbo. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Derrivan, Earls, Heartquist, Herzog, Hutcheson, Ives, Jones and O'Brien. All present.

LATE FILE ITEMS

Communication # 6

Motion to waive the rules and accept the late file item by Councillor Jones, seconded by Councillor Cameron. 11 yes, so voted.

PUBLIC COMMENT –

1. Nancy Stokes	1 Munroe Street	CPA Funds Old South
2. Bronson DeStadler	19 Walnut Street	CPA Funds
3. Patricia Lawrence	16 Washington Street	Funding
4. Ann Ormond	Greater Newburyport Chamber	Pumpkin Lighting
5. Joyce Cejka	18 Washington Street	YWCA Parking
6. Steve Dodge	57 Milk Street	Historical Commision
7. James Shanley	15 Olive Street	CPA – YWCA
8. Judy Tymon	39 Lime Street	CPA – YWCA
9. John Feehan	13 Market Street	CPA
10. Rev. Rob John	180 Water Street	CPA- Old South
11. Greg Colling	64 Liberty Street	CPA

CONSENT AGENDA

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1. APPROVAL OF MINUTES

August 8, 2011

(Approved)

2. COMMUNICATIONS

- | | |
|---|------------|
| 1. Chamber of Commerce Great Pumpkin Lighting & Stroll, Oct. 22, 2011 | (PS) |
| 2. Knights of Columbus annual Tootsie Roll Fundraiser, Oct. 8, 2011 | (Approved) |
| 3. Block Party Atkinson Street Sept. 10, 2011 | (Approved) |
| 4. 2 nd Annual Newbury Elementary School Scavenger Hunt, October 1, 2011 | (Approved) |

Removed by Councillor Earls.

- | | |
|----------------------------------|-------|
| 5. FY2011 Year End Budget Report | (R&F) |
|----------------------------------|-------|

3. APPOINTMENTS

Appointment

1. Richard Sharp	11 Lincoln Street	Licensing Board	June 1, 2017
2. Stephen Dodge	57 Milk Street	Historical Commission	August 1, 2014

Motion to approve Consent Agenda as amended by Councillor Derrivan, seconded by Councillor Jones. 11 yes, so voted.

END OF CONSENT AGENDA

REGULAR AGENDA

4. COMMUNICATIONS

4. 2nd Annual Newbury Elementary School Scavenger Hunt, October 1, 2011

Motion to receive and file by Councillor Earls, seconded by Councillor Jones. 11 yes, so voted.

6. Mayor's letter regarding True North Solar for renewable energy contract

Motion to receive and file by Councillor Earls, seconded by Councillor Jones. Motion to refer to Public Utilities by Councillor Earls, seconded by Councillor Cameron. 11 yes, so voted.

5. APPOINTMENTS – 2nd Reading

Appointment

3. Edward L. Ramsdell 32 Kent Street Local Historic District Study Committee

Motion to approve by Councillor Connell, seconded by Councillor Cronin. 11 yes, so voted.

6. ORDINANCES

1. Amend Ord.13-180 Parking Resident Harris Street from Green to State Sts

Motion to refer to Public Safety by Councillor Earls, seconded by Councillor Ives. Roll call vote, 11 yes. So voted.

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

Motion to refer to Public Safety by Councillor Earls, seconded by Councillor Cronin. Roll call vote, 11 yes. So voted.

3. Amend Ord. 3-26 Animals, Dogs leash required

Motion to refer to Neighborhoods & City Services by Councillor Herzog, seconded by Councillor Heartquist. Roll call vote, 11 yes. So voted.

4. Amend Ord.13-182 Traffic and Motor Vehicles

Motion to refer to Public Safety by Councillor Earls, seconded by Councillor Jones. Motion to refer to Planning & Development by Councillor Cameron, seconded by Councillor Derrivan. Roll call vote, 11 yes. So voted.

5. 2nd reading Amend Ch.13 Sec. 13-31 Traffic and Motor Vehicles Admin. Reserved

Motion to approve by Councillor Cronin, seconded by Councillor Derrivan. Roll call vote, 11 yes. So voted.

6. 2nd reading Amend Ch.13 Sec. 13-26 Traffic and Motor Veh. Admin. Enforcement

Motion to approve by Councillor Cronin, seconded by Councillor Derrivan. Roll call vote, 11 yes. So voted.

7. 2nd reading Amend Ord 13-180 Parking Resident Fair St between Water & Temple

Motion to approve by Councillor Earls, seconded by Councillor Derrivan. Roll call vote, 11 yes. So voted.

8. 2nd reading Amend Ord 12-10 Streets, Sidewalks and Other Public Places – Cameras

Motion to approve by Councillor Cameron, seconded by Councillor Jones. Roll call vote, 11 yes. So voted.

9. 2nd reading Amend Ord 13-179 Handicapped Parking Otis Place

Motion to approve by Councillor Earls, seconded by Councillor Derrivan. Roll call vote, 11 yes. So voted.

7. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Mayor Green Initiatives REV APPR (\$20,000) to Mayor-CHMM

**11/29/2010*

2. Order Community Preservation Fund appropriations

**07/11/2011*

Motion to remove by Councillor Cameron, seconded by Councillor Earls. Motion to remove from both committees by Councillor Connell, seconded by Councillor Derrivan. 10 yes, 1 no (Cronin), so voted.

1) Bartlet Wharf Timber Conservation, City of Nbpt & Nbpt Maritime Society Historic \$ 3,740*

Motion to approve by Councillor Connell, seconded by Councillor Cameron. 11 yes, so voted.

2) YWCA Affordable Housing, YWCA of Greater Newburyport Housing, \$ 50,000

Motion to approve by Councillor Connell, seconded by Councillor Cameron. Motion to table by Councillor

Cameron, seconded by Councillor Jones. 10 yes, 1 no (Ives). So voted. TABLED

3) Nbpt Housing Rehabilitation Program, City of Nbpt, Planning & Com Dev Housing Historic \$ 75,000

Motion to approve by Councillor Earls, seconded by Councillor Connell. 11 yes, so voted.

4) Milk Street Affordable Housing Restoration, American Training, Inc. Housing \$ 11,000

Motion to approve by Councillor Cameron, seconded by Councillor Derrivan. 11 yes, so voted.

5) Down Pmt Ass't and MLS Input-Only Listing Svcs, Nbpt Afford Housing Tr Housing \$ 50,000

Motion to remove by Councillor Connell, seconded by Councillor Derrivan. Motion to approve by

Councillor Cameron, seconded by Councillor Herzog. 11 yes, so voted.

6) Old South Church Roof Restoration, Old South, First Presbyterian Church Historic \$ 20,000

Motion to approve by Councillor Herzog, seconded by Councillor Derrivan. 11 yes, so voted.

7) St. Anna's Chapel Restoration Project, Capital Campaign Com, St. Paul's Church Historic \$ 15,000

Motion to approve by Councillor Herzog, seconded by Councillor Hutcheson. 11 yes, so voted.

8 Rediscovering Caleb Cushing, Rediscovering Caleb Cushing Committee Historic \$ 3,000

Motion to approve by Councillor Herzog, seconded by Councillor Cameron. 11 yes, so voted.

9) Oak Hill Cemetery Gravestone Restoration Proprietors of Oak Hill Cemetery Historic \$ 2,000

Motion to approve by Councillor Herzog, seconded by Councillor Cameron. 11 yes, so voted.

10) Open Space Reserve Fund, Open Space Committee Open Space \$ 50,000

Motion to approve by Councillor Herzog, seconded by Councillor Derivan. 11 yes, so voted.

11) Moseley to Maudslay Trail Con. Proj., City of Nbpt, Planning & Com Dev Open Space, Rec \$ 45,000

Motion to approve by Councillor Connell, seconded by Councillor Cameron. 7 yes, 4 no (Derrivan,

Hutcheson, Jones, O'Brien). So voted.

12) Clipper City Rail Trail Ext. Project, City of Nbpt, Planning & Com Dev Open Space, Rec \$ 53,000

Motion to approve by Councillor Jones, seconded by Councillor Connell. 11 yes, so voted.

13) Administration, CPC Admin \$ 12,000

Motion to approve by Councillor Earls, seconded by Councillor Derivan. 11 yes, so voted.

14) Open Space Bond Payment, City of Newburyport Open Space \$ 136,619

Motion to approve by Councillor Earls, seconded by Councillor Connell. 11 yes, so voted.

15) City Hall Bond Payment, City of Newburyport Historic \$ 207,188

Motion to approve by Councillor Earls, seconded by Councillor Connell. 11 yes, so voted.

16) Housing Reserve Fund, City of Newburyport Housing \$ 20,000

Motion to approve by Councillor Earls, seconded by Councillor Cameron. 11 yes, so voted.

3. CPC reallocation Custom House Maritime Museum *08/08/2011

Motion to remove by Councillor Cameron, seconded by Councillor Connell. Motion to approve by

Councillor Cameron, seconded by Councillor Jones. 11 yes, so voted.

General Government

In Committee

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

Joint Education

In Committee:

License & Permits

In Committee:

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

Neighborhoods & City Services

Councillor Herzog informed the council that the committee would be meeting on Tuesday 8/30/2011 at 7pm.

In Committee:

1. Newburyport Tree Ordinance *07/22/2010
2. Delete Ordinance entitled Traffic & Motor Vehicles Sec.13-30 *02/28/2011
3. Amend Ch.8 Sec. 8-90 Solid Waste Recycling Collection *05/31/2011
4. Draft Ordinance for the Friends of the Highland Cemetery Commission *08/08/2011

Planning & Development

In Committee:

1. Residential Handicap Parking Ordinance *01/11/2010
2. Atmospheric Pollution Ordinance *02/08/2010
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4. Zoning Ord – Sec II Definitions/Sec VI Dimensional Contr *06/28/2010
5. Letter for Essex St. Inn Visitor Parking *07/11/2011
6. Intermunicipal Agreement Newburyport and Newbury *07/11/2011
7. Order Community Preservation Fund appropriations *07/11/2011

Motion to remove by Councillor Cameron, seconded by Councillor Earls. Motion to remove from both committees by Councillor Connell, seconded by Councillor Derrivan. 10 yes, 1 no (Cronin), so voted.

8. CPC reallocation Custom House Maritime Museum *08/08/2011

Motion to remove by Councillor Cameron, seconded by Councillor Connell. Motion to approve by Councillor Cameron, seconded by Councillor Jones. 11 yes, so voted.

Public Safety

In Committee:

1. Residential Handicap Parking Ordinance *01/11/2010
2. Amend Sec. 13-86 Water St. (25mph) State to Federal *05/09/2011
3. St. Paul's Church request to restrict parking on Summer Street entrance *05/31/2011
4. Amend Ord 13-121 One-Way Streets Griffin Court *07/25/2011

Public Utilities Committee

In Committee:

1. Letter regarding Pole at 114 High Street *05/31/2011
2. Underground Storage Tank Replacement 76 Storey Ave. *08/08/2011

Rules Committee

In Committee:

12. GOOD OF THE ORDER

13. ADJOURNMENT

Motion to adjourn at 9:10 pm by Councillor Cameron, seconded by Councillor Earls.

TRANSFERS



City of Newburyport
FY 2012
BUDGET TRANSFER REQUEST

Department: POLICE DEPARTMENT

Submitted by: Thomas Howard, Marshal

Date Submitted: 9/6/2011

Transfer From:

Account Name	Salary of Officers	YTD Bal:	\$ 1,525,012.36
Account Number:	01210001-51142	Trans In:	\$ -
Amount:	\$41,940.93	Trans Out:	\$ -

The amount required in this account at year-end will depend on the actual dates new police officers are hired to fill two positions which will be vacant due to retirements.

As a result, additional funding could be required before the end of FY 2012.

Transfer To:

Account Name	Retirement Account	YTD Bal:	\$ 2,214.14
Account Number:	01210001-51510	Trans In:	\$ -
Amount:	\$41,940.93	Trans Out:	\$ -

Transfer is needed for retirement buy-outs for Edward Rice and Brian Brunault.

Transfer To:

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

Transfer To:

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

Donna D. Holaday, Mayor

William B. Squillace, Auditor

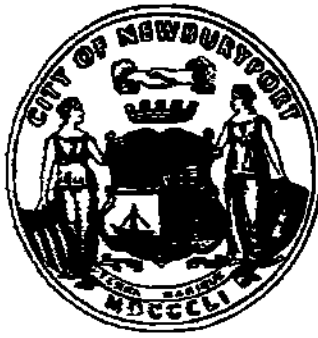
City Council Approval: (Stamp)

Donna D. Holaday
William B. Squillace

Date: 9/6/11

Date: 9/6/11

COMMUNICATIONS



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2011 SEPT 16 P 3:34



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: Sept. 1, 2011

CONTACT INFORMATION

FIRST AND LAST NAME: Paula ~~Red~~ Renda
MAILING ADDRESS: 16 OTIS PL Newburyport MA 01950
PHONE NUMBER: 978-443-7873 DAYTIME Cell 603-702-0283
E-MAIL ADDRESS: paularenda24@comcast.net

BLOCK PARTY INFORMATION

BLOCK PARTY DATE: Sept. 24, rained, Sept. 25, 2011.

DESIRED STREET CLOSING LOCATION: Otis Place at intersection of Green St.
Please indicate cross streets when requesting the closing of street sections to the end of OTIS

STREET TO BE BARRICADED: _____

DESIRED STREET CLOSING TIME: 8:00 am to 9:00 pm

Block Parties should run no later than 10:00 p.m.

Yard Sale in am
Block Party 3-9 PM

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 be permitted to be used as a Barricade.
12. Block parties are permitted 10AM-10PM

Applicant Signature Paul A. Rende

Date Sept. 1, 2011

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHALL

4 Green Street

FIRE CHIEF

Greenleaf Street

DEPUTY DIRECTOR

1 Perry Way

CITY CLERK

60 Pleasant St.

LT. M. J. [Signature]

[Signature] CHIEF

[Signature] DEPUTY DIRECTOR

[Signature]

City use only:

Approved _____ -Denied _____ Date _____

RECEIVED
SEP 12 2011
SEP-2 AM 11:01
Consulting and Design, LLC.
33 Park Plaza, P.O. Box 258
Lee, Massachusetts, 01238
(413)-243-4083/Fax (413)-243-4088
consultinganddesign@roadrunner.com

August 31, 2011

City of Newburyport
City Clerk
60 Pleasant Street
Newburyport, Mass.01950

Attn: Richard Jones

Re: **Underground Fuel storage -- change of product**
Apache Oil
75 Story Road
Newburyport, Mass. (AO1001)

Dear Mr. Jones,

Our client, Apache Oil, have been permitted to replace the tanks at the above mentioned site. We are requesting to change the ½ bio. diesel to a different type of product called E-85. The following is a list of the approved/requested change to the underground storage:

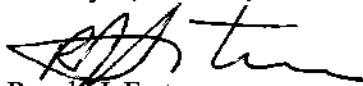
<u>Permitted</u>	<u>Requested product change</u>
The 10k gallon tank is to be regular	The 10k gallon tank is to be regular
The 8k gallon tank is to be super	The 8k gallon tank is to be super
The 6k gallon tank is to be ½ diesel and ½ bio. Diesel	The 6k gallon tank is to be ½ diesel and ½ E-85. Gas product

Under chapter 148, section 13, the license read: "a restriction than request for change is required"

Please find the license application signed by the deputy Fire Chief. I must present to City Council with the public notice per said C.M.R.

If you have any questions or comments regarding this information please feel free to contact me at your convenience.

Thank you,



Ronald J. Fortune,
For Apache Oil
Enclosures
RJF/dea



FP-2A
(Rev. 04-2010)

The Commonwealth of Massachusetts
City/Town of Newburyport

Application For License

Massachusetts General Law, Chapter 148 §13

☐ New License ☒ Amended License

GIS Coordinates

LAT.

LONG.

License Number

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

Location of Land: 75 STOREY AVE

Number, Street and Assessor's Map and Parcel ID

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

Owner of Land: Pectin Properties

Address of Land Owner: 261 LEDYARD ST. NEWLONDON, CT. 06320

Use and Occupancy of Buildings and Structures: SAME

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

9/26/2010 ADW

Attach a copy of the current license

Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 14;

Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal, lbs, Cubic feet	CONTAINER UST, AST, IBC, drums
<u>GASOLINE</u>	<u>Regular</u>	<u>10,000</u>	<u>6AL</u>	<u>UST</u>
<u>GASOLINE</u>	<u>Sup/Rg</u>	<u>8,000/</u> <u>split</u>	<u>2AL</u>	<u>UST</u>
<u>DIESEL</u>	<u>DIESEL</u>	<u>6,000/3000</u>		
	<u>E-B5</u>	<u>split</u> <u>3,000</u>	<u>15% GAS</u> <u>85 Ethanol</u>	<u>UST</u>

Total quantity of all flammable liquids to be stored: NA

Total quantity of all combustible liquids to be stored: 25,500

Total quantity of all flammable gases to be stored: NA

Total quantity of all flammable solids to be stored: NA

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

Indicate the maximum quantity of LP-gas to be stored and the sizes and capacities of all storage containers.
(See 527 CMR 6)

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

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

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

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

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

Fireworks (Complete this section for the storage of fireworks)

Indicate classes of fireworks to be stored and maximum quantity of each class. (See 527 CMR 2)

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

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

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

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

Explosives (Complete this section for the storage of explosives)

Indicate classes of explosive to be stored and maximum quantity of each class. (See 527 CMR 13)

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

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

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

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

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

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

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

Signature [Signature] Date 8/25/11 Name Paul Fortune Agent for A PRIME OIL

Fire Department Use Only

I, Stephen Cutter, Head of the Newburyport Fire Department endorse this application with my

☒ Approval ☐ Disapproval

Signature of Head of the Fire Department [Signature] Date 8-29-11

Recommendations: _____

END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

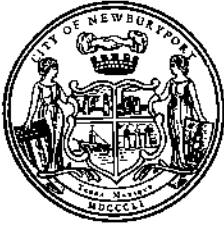
**APPOINTMENTS
SECOND READING**

APPOINTMENTS – 2nd Reading

	<u>Appointment</u>	
1. Richard Sharp	11 Lincoln Street	Licensing Board
2. Stephen Dodge	57 Milk Street	Historical Comm
		June 1, 2017
		Aug 1, 2014

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

September 8, 2011

THAT THE CITY COUNCIL of the City of Newburyport hereby accepts the provision of the Massachusetts General Law Chapter 40, Section 4J.

Councillor Robert J. Cronin

Section 4J Public safety mutual aid agreement; procedure for joining agreement; requests to receive assistance; rights and responsibilities of requesting and sending parties

Section 4J. (a) As used in this section, the following words shall have the following meanings unless the context clearly requires otherwise:

"Agency", the Massachusetts emergency management agency.

"Agreement", the statewide public safety mutual aid agreement established in subsection (b).

"Authorized representative", in the case of a city or town, the mayor, city manager, town manager, town administrator, executive secretary, police chief or on-duty shift commander of the police department, fire chief or on-duty shift commander of the fire department, health director or chairperson of the board of health and the emergency management director and, in the case of a governmental unit that is not a city or town, the chief executive officer or his designee.

"Employee", a person employed full-time or part-time by a governmental unit, a volunteer officially operating under a governmental unit, or a person contractually providing services to a governmental unit.

"Governmental unit", a city, town, county, regional transit authority established under chapter 161B, water or sewer commission or district established under chapter 40N or by special law, fire district, regional health district established under chapter 111, a regional school district or a law enforcement council.

"Incident command system", the standardized national incident management system that establishes an on-scene management system of procedures for controlling personnel, facilities, equipment and communications from different agencies at the scene of an emergency or other event for which mutual aid assistance is provided.

"Law enforcement council", a nonprofit corporation comprised of municipal police chiefs and other law enforcement agencies established to provide: (i) mutual aid to its members pursuant to mutual aid agreements; (ii) mutual aid or requisitions for aid to non-members consistent with section 8G of this chapter or section 99 of chapter 41; and (iii) enhanced public safety by otherwise sharing resources and personnel.

"Mutual aid assistance", the cross-jurisdictional provision of emergency services, materials or facilities from 1 party to another when existing resources are, or may be, inadequate.

"Party", a governmental unit that has joined the agreement.

"Public safety incident", an event, emergency or natural or man-made disaster, that threatens or causes harm to public health, safety or welfare and that exceeds, or reasonably may be expected to exceed, the response or recovery capabilities of a governmental unit including, but not limited to, a technological hazard, planned event, civil unrest, health-related event and an emergency, act of terrorism and training and exercise that tests and simulates the ability to manage, respond to or recover from any such event.

"Requesting party", a party that requests aid or assistance from another party pursuant to the agreement.

"Sending party", a party that renders aid or assistance to another party under the agreement.

(b) There shall be a statewide public safety mutual aid agreement to create a framework for the provision of mutual aid assistance among the parties to the agreement in the case of a public safety incident. The assistance to be provided under the agreement shall include, but not be limited to, fire service, law enforcement, emergency medical services, transportation, communications, public works, engineering, building inspection, planning and information assistance, resource support, public health, health and medical services, search and rescue assistance and any other resource, equipment or personnel that a party to the agreement may request or provide in anticipation of, or in response to, a public safety incident.

(c)(1) If a city or town wishes to join the agreement, the mayor in the case of a city, the city manager in the case of a Plan D or Plan E city, or the town manager, town administrator or chairman of the board of selectmen with the approval of the board of selectmen, may act on behalf of the city or town to join the agreement by notifying the director of the agency in writing. The municipality shall be a party to the agreement 30 days after receipt by the agency of the written notification.

A city or town that has joined the agreement may opt out of the agreement in the same manner as provided for joining the agreement and by notifying the agency in writing of its intention to opt out. The removal of the municipality from the agreement shall take effect 10 days after receipt by the agency of the written notification.

(2) If a governmental unit that is not a city or town wishes to join the agreement, the chief executive officer of the governmental unit may act on its behalf to join the agreement by notifying the director of the agency in writing. The governmental unit shall be a party to the agreement 30 days after receipt by the agency of the written notification.

If a governmental unit that is not a city or town has joined the agreement but wishes to opt out of the agreement, the chief executive officer of the governmental unit may act on its behalf to opt out of the agreement by notifying the agency in writing. The removal of the municipality from the agreement shall take effect 10 days after receipt by the agency of the written notification.

(d)(1) A request by a party to receive mutual aid assistance under the agreement shall be made, either orally or in writing, by an authorized representative of the requesting party and shall be communicated to an authorized representative of the sending party or to the agency; provided, however, that if the request is communicated orally, the requesting party shall reduce the request to writing and deliver it to the sending party or to the agency at the earliest possible date, but not later than 72 hours after making the oral request. A party to the agreement may request mutual aid assistance during, in anticipation of or as a result of a public safety incident.

(2) An oral or written request for mutual aid assistance under the agreement shall include the following information:

(i) a description of the public safety incident;

(ii) the nature, type and amount of personnel, equipment, materials, supplies or other resources being requested;

(iii) the manner in which the resources shall be used and deployed;

(iv) a reasonable estimate of the length of time for which the resources shall be needed;

(v) the location to which the resources shall be deployed; and

(vi) the requesting party's point of contact.

(3) A party that receives a request for mutual aid assistance shall provide and make available, to the extent reasonable and practicable under the circumstances, the resources requested; provided, however, that a sending party may withhold requested resources to the extent necessary to provide reasonable protection and coverage for its own jurisdiction.

(e) The requesting party shall be responsible for the overall operation, assignment and deployment of resources and personnel provided by a sending party consistent with the incident command system. The sending party shall retain direct supervision, command and control of personnel, equipment and resources provided by the sending party unless otherwise agreed to by the requesting party and the sending party. During the course of rendering mutual aid assistance under the agreement, the sending party shall be responsible for the operation of its equipment and for any damage thereto unless the sending party and the requesting party agree otherwise.

(f)(1) All expenses incurred by the sending party in rendering mutual aid assistance pursuant to the agreement shall be paid by the sending party; provided, however, that a requesting party and a sending party may enter into supplementary agreements for reimbursement of costs associated with providing mutual aid assistance incurred by a sending party.

(2) A sending party shall document its costs of providing mutual aid assistance under the agreement, including direct and indirect payroll and employee benefit costs, travel costs, repair costs and the costs of materials and supplies. A sending party shall also document the use of its equipment and the quantities of materials and supplies used while providing mutual aid assistance under the agreement.

(3) Except as otherwise agreed to by the parties, the requesting party shall seek reimbursement under any applicable federal and state disaster assistance programs for the costs of responding to the public safety incident. The requesting party and each sending party shall receive, based on the documented costs of providing mutual aid assistance, its pro rata share of the disaster assistance reimbursement provided to the requesting party.

(g) While providing mutual aid assistance under the agreement, employees of a sending party shall: (i) be afforded the same powers, duties, rights and privileges as they are afforded in the sending party's geographical jurisdiction or location; and (ii) receive the same salary, including overtime, that they would be entitled to receive if they were operating in their own governmental unit. In the absence of an agreement to the contrary, the sending party shall be responsible for all such salary expenses, including overtime.

(h)(1) While in transit to, returning from and providing mutual aid assistance under the agreement, employees of a sending party shall have the same rights of defense, immunity and indemnification that they otherwise would have under the law if they were acting within the scope of their employment under the direction of their employer. A sending party shall provide to, and maintain for, each of its employees who provide mutual aid assistance under the agreement the same indemnification, defense, right to immunity, employee benefits, death benefits, workers' compensation or similar protection and insurance coverage that would be provided to those employees if they were performing similar services in the sending party's jurisdiction.

(2) Each party to the agreement shall waive all claims and causes of action against each other party to the agreement that may arise out of their activities while rendering or receiving mutual aid assistance under the agreement, including travel outside of its jurisdiction.

(3) Each requesting party shall defend, indemnify and hold harmless each sending party from all claims by third parties for property damage or personal injury which may arise out of the activities of the sending party or its employees, including travel, while providing mutual aid assistance under the agreement.

(i) This section shall not affect, supersede or invalidate any other statutory or contractual mutual aid or assistance agreements involving parties to the agreement including, but not limited to, those established pursuant to section 4A or 8G. A party may enter into supplementary mutual aid agreements with other parties or jurisdictions.

Order #2
September 12, 2011

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

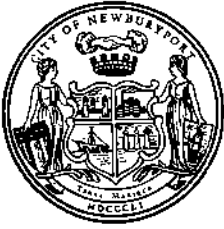
Date:

September 8, 2011

TABLED

THAT THE CITY COUNCIL of the City of Newburyport hereby approves the expenditure of \$50,000 of Community Preservation Funds for the YWCA Affordable Housing.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

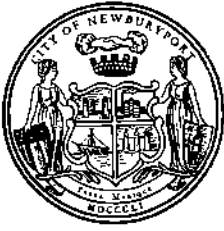
September 8, 2011

RECONSIDERATION

THAT THE CITY COUNCIL of the City of Newburyport hereby reconsider the order approving the expenditure of \$45,000 of Community Preservation Funds on August 29, 2011.

Councillor Robert J. Cronin
Councillor Kathleen O'Connor Ives

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

September 8, 2011

THAT THE CITY COUNCIL of the City of Newburyport hereby moves the scheduled Council meeting from October 11, 2011 at 7:30 p.m. to October 17, 2011 at 7:30 p.m.

Councillor Thomas F. O'Brien

ORDINANCE

**Ordinance #1
September 12, 2011**

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

September 12, 2011

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES be it ordained by the City Council of the City of Newburyport as follows:

Chapter 13 TRAFFIC AND MOTOR VEHICLES

Article IV Specific Street Schedules

Division 6 Stopping, Standing, and Parking

Section 13-176.1 Same—Thirty Minutes

ADD:

Street

Extent

High Street

**Northerly side from Ashland Street for a
distance northwesterly of approximately
135 feet between the hours of 8:00 a.m. and
6:00 p.m. except for Sundays and Holidays.**

Councillor Edward C. Cameron

Councillor Thomas F. O'Brien

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

September 12, 2011

**AN ORDINANCE ENTITLED 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 IV	Specific Street Schedules
Division 6	Stopping, Standing and Parking
§ 13-168	Parking Restricted on Certain Streets

No person shall park a vehicle on the following described street or parts thereof:

Street
Salem Street

Extent
Westerly side of Salem Street from the
entrance to the James Steam Mill
running in a southerly direction toward
Purchase Street for a distance of twenty feet.

Councillor Allison Heartquist

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

September 12, 2011

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

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

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

ADD TO THE END OF THE PREAMBLE THE FOLLOWING LANGUAGE:

Any Street or portion thereof may be added to a resident parking zone by order of the City Council.

Councillor Robert J. Cronin

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

September 12, 2011

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

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

Chapter 13	Traffic and Motor Vehicles
Section 13-182	Hotel/Inn and Bed and Breakfast Accommodations, as follows

ADD

Sec. 13-182. Hotel/inn and Bed and Breakfast Accommodations

Preamble: Where the city has imposed a maximum number of hour(s) parking limit on residential streets bordering commercial zones then the owners of a Hotel/Inn or Bed and Breakfast may apply for Overnight Accommodation Permits hereunder to be used solely by guest to the Hotel/Inn or Bed and Breakfast.

a. Definitions. As used in this section:

1. Hotel/Inn- A building or part of a building containing rooming units without individual cooking facilities for transient occupancy and having a common entrance or entrances and including an inn, motel and motor inn.
2. Bed and Breakfast – An owner occupied building containing no more than five (5) rooming units, not including living quarters for the owner occupants, without individual cooking facilities for transient occupancy and having a common entrance or entrances. Common cooking facilities may be included providing that service is limited to those who are owners of the building and those rooming in the building.
3. Overnight Accommodation Permits – A permit issued by the Parking Clerk pursuant to this Ordinance for the purpose of allowing guests at Hotel/Inns or Bed and Breakfast establishments to park on certain hour restricted streets for longer than the restriction.

b. Issuance of Overnight Accommodation Permits:

1. The Owner of an Hotel/Inn or Bed and Breakfast may apply for Overnight Accommodation Permit(s) by completing and signing an application designed to provide the following information:
 - i. Name and address of person making the application.
 - ii. Name and address of the Hotel/Inn or Bed and Breakfast establishment.
 - iii. Number of rooms for rent in the establishment.
 - iv. Number of parking spaces located on site.
 - v. Number of parking spaces leased or let from location other than site of establishment.
 - vi. Number of employees per shift.
 - vii. Number and location of employee parking spaces, if any.
2. No Overnight Accommodation Permit shall be issued to an establishment which has sufficient and exclusive access to unrestricted off-street parking spaces within 500 feet of the main door of the establishment.
3. Whenever the Parking Clerk or its designee shall find that the Applicant qualifies under the provisions of this section for an Overnight Accommodation Permit, the Parking Clerk shall issue to the Applicant one permit for each room for which the Applicant does not have a space either on site or within 500 feet of the main entrance as noted herein. The Parking Clerk may require the Applicant to provide evidence that the Applicant has exhausted all reasonable alternatives to requesting an Overnight Accommodation Permit prior to granting permits hereunder.
4. The Overnight Accommodation Permit shall contain the following information:
 - i. Name of Establishment
 - ii. Permit Number for the Establishment
 - iii. Expiration date of the permit which shall be December 31st of the year in which it was issued.
 - iv. Parking Zone for which the permit is issued.
 - v. Number of hang tags issued under the permit.
5. No Overnight Accommodation Permit shall be used or transferred to any employee or other non-guest at the establishment. In the event the Parking Clerk determines that this provision has been violated, then the Parking Clerk may revoke all of the permits issued to the establishment.

c. Renewal and Transfer of permits.

1. Upon submission of evidence to the Parking Clerk that the holder of the permit(s) is still qualified hereunder for an Overnight Accommodation Permit, the holder of a valid permit(s) for the previous year shall be entitled to a new Overnight Accommodation Permit(s) for the current year.

d. Use of the Overnight Accommodation Permit.

1. A parking permit issued hereunder shall not guarantee or reserve a parking space nor shall it excuse the observance of any traffic or parking regulation other than the time limit on parking.
2. It shall be a violation of this section to use a permit in any parking zone other than the one for which the permit was issued.
3. It shall be a violation of this section to obstruct access to driveways of residences in the parking zone.
4. This permit does not excuse the holder(s) thereof to move all vehicles from the public streets during a declared snow emergency.
5. Display of a hang tag which includes the permit number and which is approved by the Parking Clerk shall be placed on the rearview mirror such that the permit number can be seen from the exterior of the vehicle through the windshield.
6. The Permit Holder may have replacement hang tags as necessary in order to accommodate loss or theft but may not have any more in use than as permitted on the Overnight Accommodation Permit.

e. Designation of residential parking permit zones.

In addition to the Zones as set forth in Section 13-181 hereof the following shall also be designated as parking zones:

1. Zone 2 shall also include the following streets between Summer and Green and including Summer and Green:
Titcomb, Washington, Market, Pleasant, Court

Councillor Gregory D. Earls