CITY COUNCIL MEETING AGENDA - VERSION 1
September 9, 2013

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** (Approve)
   August 12, 2013

7. **COMMUNICATIONS**
   1. Application for New Flammable & Combustible Liquids License Emari Realty II LLC (L&P)
   2. LOCO Sports ½ Marathon November 3, 2013 (PS)
   3. Block party Beck St at Federal to Ship St, Sept. 14, 2013 (Approve)
   4. Mayor correspondence Administrative Assistant Negotiations Tentative Agreement (B&F)
   5. Mayor correspondence 42-44 Middle Street Sidewalk Repair (R&F)
   6. FY 2013 Year end Budget Expenditure Report (B&F)
   7. CPC memo regarding Project No. 8 Frog Pond Restoration modification (B&F)
   8. Compass Auto Works request to move a sign (PS)
   9. Spooky Rail Trail Halloween Kids Fun Race Oct. 27, 2013 (PS)

8. **APPOINTMENTS - First Reading**

Appointment

1. Paul D. Bertrand	1 Moseley Place	Newburyport Trust Fund	Sept. 30, 2016
2. Malcolm Carnwath	22 Strong Street	Historical Commission	Sept. 30, 2015
3. Craig S. Goodrich	3 Del-Logan Dr., Salisbury	Special Police Officer	
4. Alan M. Maguire	15 Lincoln Ave.	Special Police Officer	

Re-Appointment

5. Julie Languirand	13 Cushing Street, Salisbury	Treasurer	August 30, 2016

END OF CONSENT AGENDA

REGULAR AGENDA

9. **PROCLAMATION by the Mayor**

10. **TRANSFERS**
    1. Mayor Gen. Admin. Compensated Abs. $390,810 to RSV Compensated Abs. $390,810

11. **COMMUNICATIONS**
    10. One Tail at a Time & the Black Dog Dog Walk Sept. 14, 2013

12. **APPOINTMENTS - Second Reading**

Appointment

1. TABLED Paul Hogg	4 Coltin Drive	Newburyport Shellfish Constable	July 1, 2016
2. Jennifer Wilson	11 Center Street	Cultural Council	August 30, 2016
3. Ellen Burke Hart	8 Harrison Street	Cultural Council	August 30, 2016

Re-Appointment

4. Justin Dutcher	45A Washington St.	Harbor Commission	September 1, 2015
5. James Cassidy	72 Spring Street	Sealer of Weights and Measures	

13. ORDERS

1. Veto Order use of "City of Newburyport" name
2. Regarding use of Seal of the City of Newburyport
3. Resolution world car-free day September 22, 2013
4. Preservation Restriction Agreement 36 North Atkinson Street
5. Adoption of the March 2013 Housing Production Plan (Affordable Housing Plan)
6. Drain Layer/Utility Contractor - Kevin J. Greaney Materials & Trucking

14. ORDINANCES

1. 2nd Reading Amend ORD Ch 13 Sec. 13-176.1 30 Minutes High St from Ashland St and west
2. 2nd Reading Amend ORD Ch 13 Ar. IV Div. 4 Sec. 13-136 Stop Intersection Goodwin Ave
3. 2nd Reading Amend ORD Ch 13 Ar. IV Div. 6 Sec. 13-174 Parking Hale St.
4. Create ORD Ch.2 Ar.III Div. 1 Sec. 64 Biannual report to be made
5. Amend ORD Ch. 2 Ar. IV Div. 1 Sec. 129 Annual departmental report to be made
6. Amend ORD Ch 13 Sec. 13-171 Service Areas 153-155 State Street
7. Amend ORD Ch 13 Sec. 13-180 Resident Parking Add 184 State Street and south on westerly side
8. Amend ORD Zoning Section III-C Zoning Map
9. Amend ORD Zoning Section IX Nonconforming Uses, Structures and Lots
10. Amend ORD Zoning Section VI Dimensional Controls
11. Amend ORD Zoning Section II Definitions
12. Amend ORD Zoning Section XX Scrivener's Error Correction
13. Amend ORD Zoning Section Sec. III Establishment of Districts Scrivener's Error Correction
14. Amend ORD Zoning Section Sec. XXI Plum Island Overlay District Scrivener's Error Correction

14. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Amend ORD Sec. 2-392 Interest on Water and Sewer Bills **05/28/2013*
2. Community Preservation Committee FY14 Appropriations **06/10/2013*

General Government

In Committee:

1. Campaign Finance Reports – Municipal Forms website posting **05/14/2012*
2. Amend ORD Sec. 2-30 Performance of duties of mayor upon absence, disability **05/28/2013*
3. Amend ORD Sec. 2-29 Special Meetings **05/28/2013*
4. Amend ORD Sec. 2-62 Residency requirement **05/28/2013*
5. Amend ORD Sec. 2-126 Salary of elected officials **05/28/2013*
6. Amend ORD Sec. 2-128 Departmental records to be kept; employee records **05/28/2013*
7. Amend ORD Sec. 5-42 Term of office **05/28/2013*
8. Amend ORD Sec. 2-273 Removal for cause **05/28/2013*
9. Intermunicipal Agreement for Veteran's Services (COW) **08/12/2013*
10. Intermunicipal Agreement for Animal Control Services (COW) **08/12/2013*
11. Creating new Regional Veteran's Services' District (COW) **08/12/2013*

Joint Education

In Committee:

1. Letter regarding World War II Memorial Stadium **10/23/2012*
2. NHS Baseball Alumni Assoc. re loss of baseball field **11/26/2012*

License & Permits

In Committee:

1. Outdoor Seating Ceia Kitchen & Bar 38 State Street **06/24/2013*
2. Outdoor Seating Brine 25 State Street **06/24/2013*

3. New Outdoor Seating Application Atomic Coffee at 52 & 56 State Street *08/12/2013
4. Shellfish Management (COW) *08/12/2013

Neighborhoods & City Services

In Committee:

1. Amend Ord. 3-27 Animals, dogs, Licensing of dogs and kennels *06/25/2012
2. Letter re naming park bench in memory of Mayor George H. Lawler *04/08/2013
3. Request for removal of Storey Ave. Signage

Planning & Development

In Committee:

1. Order Cushing Park land transfer to Mayor for Municipal Parking *06/25/2012
2. Request for Discontinuance of Westerly Side of Harnch's Way *11/13/2012
3. 2013 Demolition Delay *03/26/2013

Public Safety

In Committee:

1. Amend Ord. 13-180 Parking Resident Harris St. *01/30/2012
2. Parking, Russell Terrace, No Parking, 50 feet from Storey Ave *08/27/2012
3. ORD Ch. 2 Sec.358 Fingerprint Criminal History Checks *09/24/2012
4. Letter regarding speeding traffic on Turkey Hill Road *04/29/2013
5. The Grog letter requesting Loading Zone and No Parking signs *08/12/2013

Public Utilities

In Committee:

1. Sewer Commission revise 1997 policy second meters (COW) *08/12/2013

Rules

In Committee:

1. Amend the City Council Rules *08/12/2013

15. GOOD OF THE ORDER

16. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES - VERSION 1
August 12, 2013

7:30PM

Council President O'Brien called the meeting to order at 7:39 pm. A moment of silence was held. 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, Earls, Heartquist, Herzog, Jones and Sullivan. 10 present, 1 absent (Derrivan).

1. **LATE FILES** – Public Utilities item 1 Resolution Water and Sewer Commission
Motion to waive the rules and allow by Councillor Jones, seconded by Councillor Cronin.

2. **PUBLIC COMMENT** –

1. Paul Bertrand	1 Moseley Place	Trust Fund Commission
2. Roseann Robillard	13 Clipper Way	Walk for the Poor

CONSENT AGENDA

3. **APPROVAL OF MINUTES**
July 8, 2013 (Approved)

1. **TRANSFERS**
1. Auditor Ins Claims Rsv App $5,441.73 to Fire Veh. Maint. $1,000, to Water Veh. Maint. $3,271.73, to Tree Comm. $1,170 (Approved)
2. Health Recycl & Energy $17,500 to Hshold Haz Waste $7,500, to Chipper Service $10,000 (Approved)

2. **COMMUNICATIONS**
1. Society of St. Vincent de Paul "Walk for the Poor" Sept. 28, 2013 (PS)

Removed by Councillor Cronin.
2. Knights of Columbus Annual Tootsie Roll Drive Oct. 12, 2013 (Approved)
3. The Grog letter requesting Loading Zone and No Parking signs (PS)
4. Block Party Seth Miles Hawthorne Rd between Marquand and Newhall Aug. 24, 2013 (Approved)
5. Block Party Lyra Engel Otis Place from Garden St to dead end Sept. 7, 2013 (Approved)
6. Election Calendar Revision (Approved)
7. New Outdoor Seating Application Atomic Coffee at 52 & 56 State Street (PS)

Changed to refer to License and Permits.
8. Alzheimer's Association Boot Drive Sat. Aug. 31, 2013 at State and High Streets (Approved)
9. Intermunicipal Agreement for Veteran's Services (Gen Gov't)

Changed to refer to Committee of the Whole and General Government.
10. Intermunicipal Agreement for Animal Control Services (Gen Gov't)

Changed to refer to Committee of the Whole and General Governmnet.

5. **APPOINTMENTS - First Reading**

Appointment

1. Paul D. Bertrand	1 Moseley Place	Newburyport Trust Fd Comm	July 1, 2016

Removed.

2. Jennifer Wilson	11 Center Street	Cultural Council	August 30, 2016
3. Ellen Burke Hart	8 Harrison Street	Cultural Council	August 30, 2016

Re-Appointment

4. Justin Dutcher	45A Washington St.	Harbor Commission	September 1, 2015
5. James Cassidy	72 Spring Street	Sealer of Weights and Measures	

END OF CONSENT AGENDA

Motion to approve the Consent Agenda as amended by Councillor Jones, seconded by Councillor Cameron. So voted.

REGULAR AGENDA

6. COMMUNICATIONS

1. Society of St. Vincent de Paul "Walk for the Poor" Sept. 28, 2013

Motion to approve by Councillor Cronin, seconded by Councillor Jones. So voted.

11. WNBP Radio Annual Classic Car and Doo Wop concert Aug. 15, 2013

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

8. APPOINTMENTS - Second Reading

Appointment

6. Paul Hogg	4 Coltin Dr.	Newburyport Shellfish Constable	July 1, 2016

Motion to approve by Councillor Jones, seconded by Councillor Cameron. Motion withdrawn. Motion to table by Councillor Jones, seconded by Councillor Connell. Roll call vote. 8 yes, 1 no (Heartquist), 1 present (Hutcheson), 1 absent (Derrivan).

Re-Appointment

7. Maurice Southworth	12 Fruit St.	Fruit St. Local Historic Dist. Study Comm.	May 1, 2016
8. Donna Scott	4 Strong St.	Comm. For Diversity and Tolerance	May 31, 2016
9. Jeanine T. Murphy	10 Plummer Ave.	Atkinson Common Comm.	March 30, 2016

Motion to approve collectively by Councillor Connell, seconded by Councillor Herzog. So voted.

9. ORDERS

1. Amend the City Council Rules

Motion to refer to the Rules Committee by Councillor Cronin, seconded by Councillor Jones. So voted.

2. Branding of City name

Motion to approve by Councillor Jones, seconded by Councillor Cronin. Roll call vote, 7 yes, 3 no (Heartquist, Cameron, Connell), 1 absent (Derrivan).

3. Sewer Commission revise 1997 policy second meters

Motion to refer to Public Utilities and Committee of the Whole by Councillor Herzog, seconded by Councillor Earls. 9 yes, 1 no (O'Brien), 1 absent (Derrivan).

4. Drain Layer/Utility Contractor K&R Construction Company

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

5. Creating new Regional Veteran's Services' District

Motion to refer to General Government and Committee of the Whole by Councillor Herzog, seconded by Councillor Connell. So voted.

6. Shellfish Management

Motion to refer to License & Permits and Committee of the Whole by Councillor Heartquist, seconded by Councillor Jones. So voted.

12. ORDINANCES

1. Amend Ch. 13-179 Handicapped Parking Boardman Street

Motion to waive the rules to approve in one reading and order published by Councillor Cronin, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Derrivan). So voted.

10. COMMITTEE ITEMS

Budget & Finance

Councillor Cameron announced there would be a meeting on Aug. 20, 2013 at 7pm for Budget & Finance and Committee of the Whole.

In Committee:

1. Amend ORD Sec. 2-392 Interest on Water and Sewer Bills **05/28/2013*
2. Community Preservation Committee FY14 Appropriations **06/10/2013*

General Government

In Committee:

1. Campaign Finance Reports – Municipal Forms website posting **05/14/2012*
2. Amend ORD Sec. 2-30 Performance of duties of mayor upon absence, disability **05/28/2013*
3. Amend ORD Sec. 2-29 Special Meetings **05/28/2013*

4. Amend ORD Sec. 2-62 Residency requirement *05/28/2013
5. Amend ORD Sec. 2-126 Salary of elected officials *05/28/2013
6. Amend ORD Sec. 2-128 Departmental records to be kept; employee records *05/28/2013
7. Amend ORD Sec. 5-42 Term of office *05/28/2013
8. Amend ORD Sec. 2-273 Removal for cause *05/28/2013

Joint Education

In Committee:

1. Letter regarding World War II Memorial Stadium *10/23/2012
2. NHS Baseball Alumni Assoc. re loss of baseball field *11/26/2012

License & Permits

In Committee:

1. Seacoast Taxi – Taxi Company License Renewal *06/24/2013

Motion to remove by Councillor Earls, seconded by Councillor Jones. Motion to approve pending Police Department approval by Councillor Earls, seconded by Councillor Herzog. So voted.

2. Outdoor Seating Ceia Kitchen & Bar 38 State Street *06/24/2013
3. Outdoor Seating Brine 25 State Street *06/24/2013

Neighborhoods & City Services

In Committee:

1. Amend Ord. 3-27 Animals, dogs, Licensing of dogs and kennels *06/25/2012
2. Letter re naming park bench in memory of Mayor George H. Lawler *04/08/2013
3. Request for removal of Storey Ave. Signage

Planning & Development

In Committee:

1. Order Cushing Park land transfer to Mayor for Municipal Parking *06/25/2012
2. Request for Discontinuance of Westerly Side of Harnch's Way *11/13/2012
3. 2013 Demolition Delay *03/26/2013

Public Safety

In Committee:

1. Amend Ord. 10-9 Miscellaneous offenses – use or consumption of marijuana *11/28/2011

Motion to remove by Councillor Cronin, seconded by Councillor Jones. So voted. Motion to receive and file by Councillor Cronin, seconded by Councillor Jones. Roll call vote, 10 yes, 1 absent. So voted.

2. Amend Ord. 13-180 Parking Resident Harris St. *01/30/2012
3. Community Giving Tree of Boxford donation box *04/30/2012

Motion to remove by Councillor Cronin, seconded by Councillor Jones. So voted. Motion to receive and file by Councillor Cronin, seconded by Councillor Jones. So voted.

4. Order Yankee Homecoming Parade *06/25/2012

Motion to remove by Councillor Cronin, seconded by Councillor Jones. So voted. Motion to receive and file by Councillor Cronin, seconded by Councillor Jones. So voted.

5. Parking, Russell Terrace, No Parking, 50 feet from Storey Ave *08/27/2012
6. ORD Ch. 2 Sec.358 Fingerprint Criminal History Checks *09/24/2012
7. Letter regarding speeding traffic on Turkey Hill Road *04/29/2013
8. Amend Sec. 13-176.1 30 minutes High St. from Ashland St. and west *04/29/2013

Motion to remove by Councillor Cronin, seconded by Councillor Jones. Motion to approve withdrawn.

9. Amend ORD Sec. 13-121 One way streets add Court St. *05/28/2013

Motion to remove by Councillor Cronin, seconded by Councillor Jones. So voted. Motion to receive and file by Councillor Cronin, seconded by Councillor Jones. Roll call vote, 10 yes, 1 absent. So voted.

10. Amend ORD Ch 13 Ar. IV Div. 4 Sec. 13-136 Stop Intersection Goodwin Ave *06/10/2013

Motion to remove by Councillor Cronin, seconded by Councillor Heartquist. So voted. Motion approve first reading and order published by Councillor Cronin, seconded by Councillor Heartquist. Roll call vote, 10 yes, 1 absent. So voted.

11. Newburyport River Run ½ Marathon and Relay June 1, 2014 **06/24/2013*

Motion to remove by Councillor Cronin, seconded by Councillor Jones. Motion to waive the rules by Councillor Cameron, seconded by Councillor Jones. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Cameron. So voted.

12. Amend ORD Ch 13 Ar. IV Div. 6 Sec. 13-174 Parking Hale St. **06/24/2013*

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

13. Amend ORD Ch 13 Ar. IV Div. 6 Sec. 13-80 Parking Otis Place **06/24/2013*

Motion to remove by Councillor Earls, seconded by Councillor Jones. So voted. Motion to receive and file by Councillor Earls, seconded by Councillor Jones. So voted.

Public Utilities

In Committee:

1. Resolution Special Legislation to create Board of Water and Sewer Commissioners **06/10/2013*

Motion to remove by Councillor Herzog, seconded by Councillor Heartquist. So voted. Motion to approve and submit to Representative Costello by Councillor Herzog, seconded by Councillor Heartquist. Roll call vote, 10 yes, 1 absent. So voted.

11. GOOD OF THE ORDER

12. ADJOURNMENT

Motion to adjourn at 8:37pm by Councillor Earls, seconded by Councillor Cameron. So voted.

COMMUNICATIONS

Communication #1
Sept. 9, 2013

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
42°48'03.17
LAT.
70°53'16.76
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: 6 Mulliken Way
Number, Street and Assessor's Map and Parcel ID

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2013 AUG -7 P 12:43

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

Owner of Land: EMAri Realty II LLC

Address of Land Owner: 7 Mulliken Way

Use and Occupancy of Buildings and Structures: Industrial Chemical

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

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
See Attached (23 pages)				

Total quantity of all flammable liquids to be stored: 2500 gallons

Total quantity of all combustible liquids to be stored: _____

Total quantity of all flammable gases to be stored: _____

Total quantity of all flammable solids to be stored: 800 pounds

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: 132 pounds

  List sizes and capacities of all aboveground containers used for storage: stored in 33 pound cylinders locked in a cage.

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

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

Total aggregate quantity of all LP-gas to be stored: Propane 132 pounds 33 pound cylinders for fork truck

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: Ø

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

I, Michael E. STREM, 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 July 25, 2013 Name Michael E. STREM

Fire Department Use Only

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

☑ Approval ☐ Disapproval

[signature] Aug 7, 2013

Signature of Head of the Fire Department Date

Recommendations: _____

FP-2
(Rev. 05-2009)

The Commonwealth of Massachusetts

City/Town of Newburyport

License

Massachusetts General Law, Chapter 148 §13

☑ New License ☐ Amended License

GIS Coordinates
42°48'03.17 LAT.
70°53'16.76 LONG.
License Number

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

Location of Land: 6 Mulliken Way
Number, Street and Assessor's Map and Parcel ID

Owner of Land: EmAri Realty II LLC

Address of Land Owner: 7 Mulliken Way

Flammable and Combustible Liquids, Flammable Gases and Solids

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

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums

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

- Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: 132 pounds
  List sizes and capacities of all aboveground containers used for storage 33 pound cylinders for fork truck.
- Maximum quantity (in gallons) of LP-gas to be stored in underground containers: Ø
  List sizes and capacities of all underground containers used for storage _____

Total aggregate quantity of all LP-gas to be stored: 132 pound

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

- Maximum amount (*in pounds*) of Class **1.3G**: _____
- Maximum amount (*in pounds*) of Class **1.4G**: _____
- Maximum amount (*in pounds*) of Class **1.4**: _____

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

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

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

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

Licensing Authority Use:

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

ADDITIONAL RESTRICTIONS:

_____

_____

_____

_____

_____

_____

_____

Signature of Licensing Authority Title Date

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

Communication #2
Sept. 9, 2013

Newburyport City Council
Newburyport, MA

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2013 AUG 12 P 3:55

August 12, 2013

Re: Road Race Request

Dear Councilors, we formally request permission to conduct a ½ marathon road race in Newburyport next November 3rd, 2013 (Sunday date)

The event will start and finish near the High School on Toppan Lane. (Permission request in the works with the Superintendent) The event will bring hundreds or people to Newburyport to stay over for the weekend at local hotels and dine in local restaurants in a weekend in November that is normally quiet.

Police: We have already reviewed the course with Lieutenant Siemasko and have received a preliminary approval to seek city approval.
Insurance: The race will have a 1 million dollar liability insurance policy that names the City and School as additional insured
Race Course: The race course will have little impact on auto traffic, as only 3 miles of the course are in Newburyport, the rest are on rural roads in West Newbury. (Traffic on Low Street may be rerouted by the police to alleviate any issues on this busy road.)

ALL Police and ambulance expenses to be paid by the race.

We would like to apply to hold this race at an upcoming City Council Meeting.

Event Information
The event will have at least 900 runners and over 1,000 spectators coming from all over New England, but include many locals. It will be an all women's field -with one male participant chosen in a lottery. (One Lucky Guy). This is the only all women's Half Marathon in New England. Volunteer groups from the high school will be encouraged to help out with the race in a variety of duties including handing out numbers and working at the start and the finish or food distribution.

The goal of the race is to distribute the proceeds locally to worthy school and non-profit groups. It is a great way for students to become involved in a healthy lifestyle event and earn money for their team or group. There event will be approved well in advance by the Town of Newburyport and West Newbury and both Police departments.

About us: Loco Sports conducts similar events with fields up to 2,000 runners including a Marathon in Hampton New Hampshire. Our goal is to provide a premier event that Newburyport can be proud of.

Thank you for your interest in helping us present this event.
I await your comments and suggestions.

Michael St. Laurent
LOCO Sports, Inc.
102 Main Street, Newmarket NH 03857
Email: mike@locorunning.com Phone: 603 659 2824

All Women & One Lucky Guy
Half Marathon

Spectator Notice
Please do not Drive on course

Start/ Finish
Newburyport High School

Toppans
Pheasant Run
Doe Run
Hale
Middle
Plummer Spring
Water
Water
Portapotties
Turkey Hill
Rogers
Garden
Cherry Hill
Indian Hill
Middle
Middle
Ash
Brickett

Please stay on
RIGHT hand side road
on Middle Road from Mile 7-11.
Cones on your left

Water +
Gatorade

Water +
Gatorade

DIRT ROAD
Caution

Water
Portapotties

Energy Gel

Course Roads

Newburyport:
Toppans Lane - across Low Street
Hale Road
Right: Squires Glen Drive
Right: Fox Run Drive
Left - turns into Pheasant Run Drive
Left: Quail Run Hollow
Left: Doe Run Road,
Right: Hale

West Newbury
Turkey Hill Rd
Rogers Street
Garden Street
Indian Hill Stret
Cherry Hill Street
Moulton Street
Brickett St.
Ash Street
Middle Street
Plummer Spring
Back on Hale to Newburyport
Finish: same as start on Toppans Lane

Aid Stations:
Mile 2: Water
Mile 4.5 Water + Gatorade
Mile 6.6 Energy Gel
Mile 6.8 Water
Mile 9 Water + Gatorade
Mile 11 Water

Bathrooms:
Mile 2 - 3 Portapotties
Mile 6.8 3 Portapotties
Mile 11.1 - 3 Portapotties

Communication #3
Sept. 9, 2013

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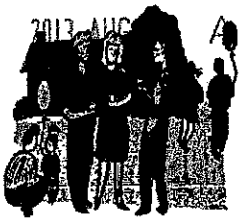
NEWBURYPORT, MA

2013 AUG A 11:41



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.

Approved previous two years for exact closing

DATE OF REQUEST: 8/10/2013

CONTACT INFORMATION

FIRST AND LAST NAME: Meredith D. Shenk

MAILING ADDRESS: 1 Beck Street

PHONE NUMBER: 978-358-7027

E-MAIL ADDRESS: mimishenk@gmail.com

BLOCK PARTY INFORMATION

BLOCK PARTY DATE: Saturday, September ~~11~~ 14, 2013.

DESIRED STREET CLOSING LOCATION: Beck St. @ Federal to Ship Street
Please indicate cross streets when requesting the closing of street sections

STREET TO BE BARRICADED: Same as above

DESIRED STREET CLOSING TIME: 5:00 p.m. to 10:00 p.m.
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 Meredith D. Shenk Date 8/10/2013

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.

City use only:

Approved_____ -Denied_____ Date_____

Communication #4
Sept. 9, 2013

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NEWBURYPORT, MA
2013 AUG 26 A 10: 26

CITY OF NEWBURYPORT, MASSACHUSETTS
Donna D. Holaday, Mayor
Office of the Mayor
60 Pleasant Street
Newburyport, MA 01950
Phone: 978-465-4413 • Fax: 978-465-4402

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: August 26, 2013

Re: Administrative Assistant Negotiations – Tentative Agreement

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The following is a summary of the agreement that has been reached in principle for FY14-FY16 with the Teamsters Administrative Assistant bargaining unit, Local 170. The City has agreed to the terms contained herein subject to appropriation by the City Council. The Local 170 voted to ratify the terms of this agreement on August 13, 2013.

Here is a synopsis of the terms agreed to through this collective bargaining process:

- 1.0% COLA effective July 1, 2014
  1.5% COLA effective July 1, 2015
  1.5% COLA effective July 1, 2016
- Vacation: 5 days less vacation time for all new employees
- Sick leave buyback: Eliminated for new employees; 5 days less buyback for senior employees; deadline for notification of retirement as it relates to buyback disbursement
- Sick leave: Strengthened language to address sick leave abuse
- Progressive discipline: Institute policy consistent with other City union contracts
- Additional issues: Language changes were made to clarify policies regarding vacation accrual, position upgrade evaluation processes, and health insurance benefits. To the extent that they are applicable, these changes are being instituted to ensure consistency across union contracts in the interest of uniformity and improved labor relations.

The 1.0% Cost of Living Adjustment for FY14 that has been agreed to in this contract has been accounted for in the FY14 Annual Budget under the Mayor's Office Budget Contingency, so no additional funds are needed for the balance of FY14.

Below are the terms in greater detail:

BOTH PARTIES TENTATIVELY AGREE TO:

1. ARTICLE I – Recognition and the Bargaining Unit (Page 1): Change to Administrative Assistant II – Assessor, Administrative Assistant II – City Clerk, Administrative Office Manager – Health, Planner, and Facilities Maintenance Supervisor, with all other titles remaining as is.

2. ARTICLE VII – Non-Reappointment and Discipline (Pages 7-8): Divide Article VII into Section A: Non-Reappointment and Section B: Discipline, including existing paragraph 1 in Section A and existing paragraph 2 into Section B.

3. ARTICLE VII – Non-Reappointment and Discipline (Pages 7-8): Add the following to the new Section B:
"All employees shall be given a six (6) month probationary period. After completion of the probationary period, no employee shall be disciplined or discharged except for just cause. The Union shall be notified of all disciplinary actions, including discharge, within 24 hours.

   In administrating the requirement of just cause, the Mayor or his/her designee shall observe the following procedures for warnings, suspensions, and discharges;

   Step 1: An employee shall be given a verbal warning. The verbal warning, which has been reduced in writing, shall be removed from the employee's file six months after it is given if there are no infractions of any kind in that period.

   Step 2: A written warning shall be given to the employee with a general description of the reason for the discipline. The warning will remain in effect for one year and shall be removed from the employee's personnel record on the one year anniversary date of the infraction if there are no infractions of any kind during that period.

   Step 3: The employee shall be suspended for three days without pay. All suspensions shall remain in the employee's file. Suspensions issued more than five (5) years before a disciplinary action shall be given less weight in determining the degree of discipline.

   Step 4: The employee shall be discharged and given the reason for said discharge in writing.

The City shall have the right to bypass any of the first three steps for serious misconduct or serious violations of work rules or safety practices.

For the purposes of this progressive discipline policy, the City shall refer to the Standards of Conduct as found in the Employee Handbook when determining when "serious misconduct" and/or "serious violations of work rules or safety practices" have occurred.

The City shall have the right to counsel employees who have had repetitive disciplinary problems regardless of whether or not the disciplinary notice for each such occasion remains on file."

4. ARTICLE VIII – Compensation (Page 9): Add new paragraph as follows:
"Employees seeking an adjustment to the grade at which their position is listed must provide written notification to their Department Head and Union Office of such intent by December 1. The Department Head will undertake an evaluation process of the changes/additions to the essential job functions/duties as outlined in the existing job description for the position. The Department Head will then submit the completed position evaluation form to the Human Resources Department and Mayor's Office by December 31 for their review and approval. All grade adjustments will be made effective on July 1 of the following fiscal year, pending appropriation through the annual budget process."

5. ARTICLE IX – Hours of Work (Page 9): Add Section 1(c):
"The Facilities Maintenance Supervisor's work week shall be forty (40) hours."

6. ARTICLE XI – Health and Welfare Insurance Benefits (Page 10): Delete the first paragraph and replace with the following:
"The current health insurance benefits are in accordance with the agreement negotiated by the City and the Public Employee Committee (PEC Agreement) pursuant to MGL Ch. 32B Section 19. The parties agree that any changes in the Health Insurance benefits for bargaining unit member shall be negotiated under MGL Ch. 32B."

7. ARTICLE XII - Leaves (Page 13): Delete the first sentence after vacation schedule and the last sentence in the last paragraph of this section and replace with the following:
"Vacation time will be prorated from the anniversary date of hire to the end of the fiscal year (June 30) for all anniversary years, whether it is the 1, 5, 10, or 15 year anniversary dates. Vacation time for the entire year is allocated on July 1 of that fiscal year."

8. ARTICLE XII – Leaves (Page 14): Amend Section D4 under Sick Leave from "five (5)" to "three (3)" consecutive sick days after which a supervisor may request appropriate documentation from a physician.

9. APPENDICES (Pages 24-37): Keep Appendix A; Strike existing Appendix B and replace with new Position Upgrade Evaluation Form; Keep Appendix C Compensation Schedule (updated), but revise Wages table to include position title and respective grade (eliminating the other existing information); Strike existing Appendix D and replace with Job Descriptions reference currently in Appendix C; Keep Appendix E (updated); Keep Appendix F, adding Facilities Maintenance Supervisor to #4 ($600 annual clothing allowance); Keep Appendix G.

10. ARTICLE XI – Health and Welfare Insurance Benefits (Page 10): Eliminate Section A, striking out all references to different percentages paid by the City to cover part-time employee health insurance premiums.

11. ARTICLE XI – Health and Welfare Insurance Benefits (Page 11): Delete Section D in its entirety.

12. ARTICLE XII - Leaves (Pages 12-13): Amend Section 4 to the following:
"Any new employee hired after July 1, 2013 with at least one (1) year continuous service shall be entitled to paid vacation during each fiscal year of employment in accordance with the following schedule:

All employees who have worked for the EMPLOYER for one (1) year shall receive two (2) weeks vacation (10 days pay).

All employees who have worked for the EMPLOYER for five (5) years shall receive three (3) weeks vacation (15 days pay).

All employees who have worked for the EMPLOYER for ten (10) years shall receive four (4) weeks vacation (20 days pay).

All employees who have worked for the EMPLOYER for fifteen (15) years shall receive five (5) weeks vacation (25 days pay).

Any current employee as of July 1, 2013 shall be entitled to paid vacation during each fiscal year of employment in accordance with the following schedule:

All employees who have worked for the EMPLOYER for one (1) year shall receive three (3) weeks vacation (15 days pay).

All employees who have worked for the EMPLOYER for five (5) years shall receive four (4) weeks vacation (20 days pay).

All employees who have worked for the EMPLOYER for ten (10) years shall receive five (5) weeks vacation (25 days pay).

All employees who have worked for the EMPLOYER for fifteen (15) years shall receive five (6) weeks vacation (30 days pay)."

13. ARTICLE XII – Leaves (Page 14): Delete the first paragraph of Section D(1) under Sick Leave and replace with the following:
"All permanent full-time employees will accrue one (1) sick day per month with a maximum accumulation of two hundred fifty (250) days."

14. ARTICLE XII – Leaves (Page 14): Delete the second paragraph of Section D(2) under Sick Leave and replace with the following:
"Any employee hired after July 1, 2013 shall not be eligible for sick leave buyback. Any current employee as of July 1, 2013 shall be eligible to receive payment for 50% buyback of unused accrued sick days, not to exceed seventy-five (75) days maximum, at his/her then current rate of pay upon retirement or death. Any member of the collective bargaining unit who was eligible for retirement as of June 30, 2013 shall be eligible to receive payment for 50% buyback of unused accrued sick days, not to exceed eighty-five (85) days maximum, at his/her then current rate of pay upon retirement or death.

Further, an employee who is eligible for sick leave buyback and wishes to retire in the next fiscal year shall provide written notice to the Mayor and Department Head by December 1 of the fiscal year prior to the fiscal year that he/she intends to retire, and shall specify a tentative date. An employee who gives the required notice in a timely fashion shall receive the sick leave buyback on or about the date of retirement. If the employee fails to give requisite notice by December 1, the City will have no obligation to make the buyback payment until the first full payroll period of the fiscal year for which the City has had the requisite notice and opportunity to budget for the necessary funds."

15. ARTICLE XVI - Wages (Pages 18):
FY14 – 1.0%
FY15 – 1.5%
FY16 – 1.5%
All cost of living wage increases go into effect on July 1 of the respective fiscal years referenced above.

Communication #5
Sept. 9, 2013

CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY
MAYOR

NEWBURYPORT CITY HALL

60 PLEASANT STREET

NEWBURYPORT, MA 01950

TEL: 978.465.4413

FAX: 978.465.4402

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: August 26, 2013

Subject: 42-44 Middle Street

In reference to the attached letter dated August 26th regarding sidewalk repair to the above-captioned, please be advised that the Director of the Department of Public Services, Tony Furnari, has been directed to gather information as to the cost, when repairs can be made and how long it will take to repair this sidewalk.

As you are well aware, many sidewalks in Newburyport are in great disorder, and since we have increased sidewalk funding by 600% over the past 3 years with a percentage from the meals tax revenue, my office and the Department of Public Services continue to do our utmost to repair and maintain all of our community's sidewalks.

Lisa H. Fountis
42-44 Middle Street
Newburyport, MA 01950

August 26th, 2013

Donna Holiday
Office of the Mayor
City Of Newburyport
60 Pleasant Street
Newburyport, MA 01950

Re: 42 – 44 Middle Street Sidewalk Repair

Dear Donna,

I am writing to you on behalf of the condition of my sidewalk on 42-44 Middle Street. It is in horrendous condition. See attached photos.

This is a Two Family home. I have my elderly mother (80 years old) living with me and I am deeply concerned about her welfare. The probability of her tripping and falling on this sidewalk is very likely. I also have my tenant who I am also concerned about her welfare as well. How this is a personal request because I care about the welfare of my mother.

As of now it is a sidewalk that is in the worst condition on this whole street. My tenant informed me that she saw an elderly woman walk on the sidewalk and nearly fell.

I pay almost $6,000.00 a year in property taxes and would like this payment put to proper use.

I would appreciate prompt attention to my request.

I would like this letter to be read out loud in the next City Counsil meeting.

Thank you for your kind attention to this matter,

Lisa Fountis

cc: Director of DPW
cc: City Counsil

Lisa H. Fountis
42-44 Middle Street
Newburyport, MA 01950

August 26th, 2013

Anthony J Furnari
Director of Department of Public Works
16A Perry Way
Newburyport, MA 01950

Re: 42 – 44 Middle Street Sidewalk Repair

Dear Mr. Furnari,

I am writing to you on behalf of the condition of my sidewalk on 42-44 Middle Street. It is in horrendous condition. See attached photos.

This is a Two Family home. I have my elderly mother (80 years old) living with me and I am deeply concerned about her welfare. The probability of her tripping and falling on this sidewalk is very likely. I also have my tenant who I am also concerned about her welfare as well. How this is a personal request because I care about the welfare of my mother.

As of now it is a sidewalk that is in the worst condition on this whole street. My tenant informed me that she saw an elderly woman walk on the sidewalk and nearly fell.

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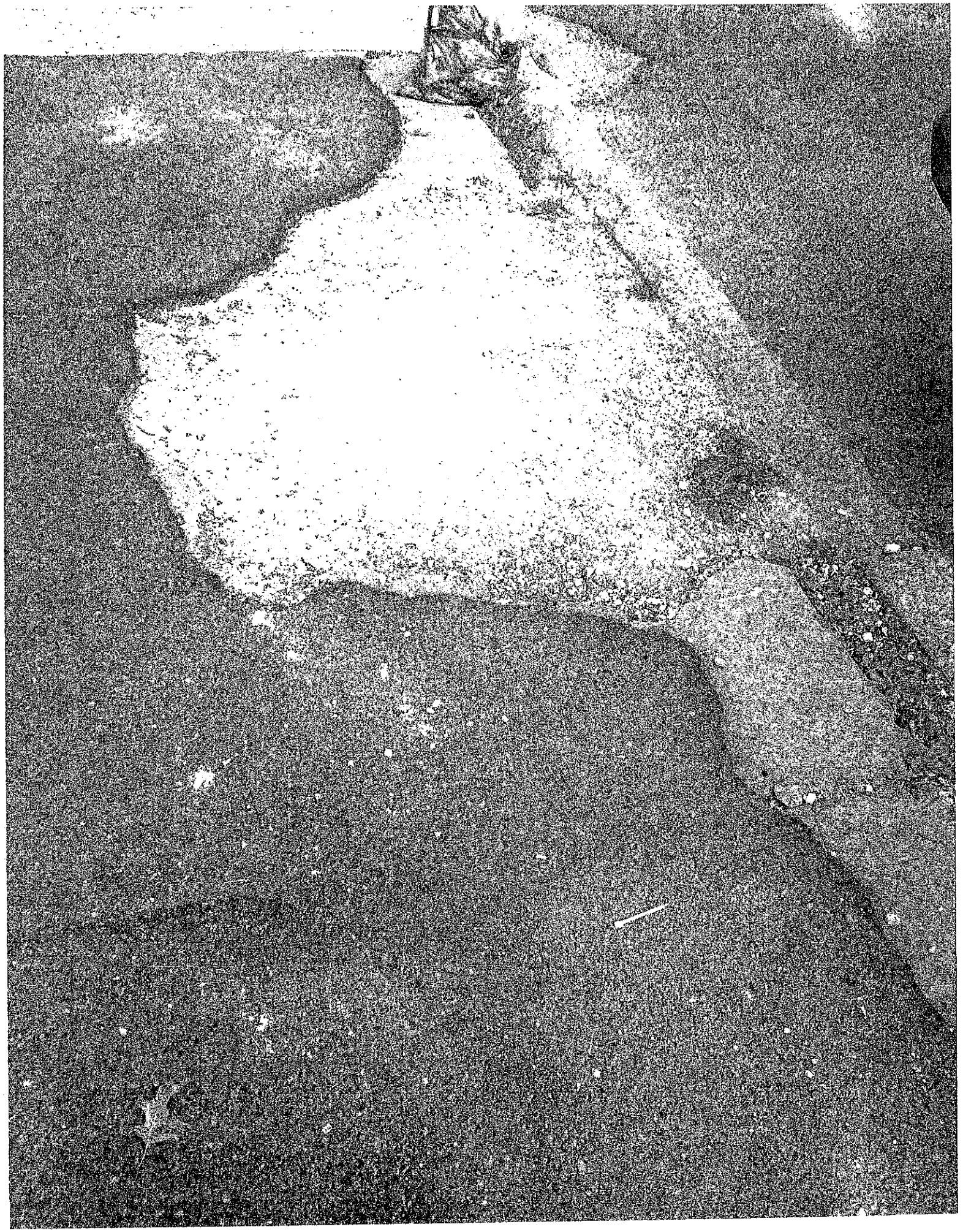
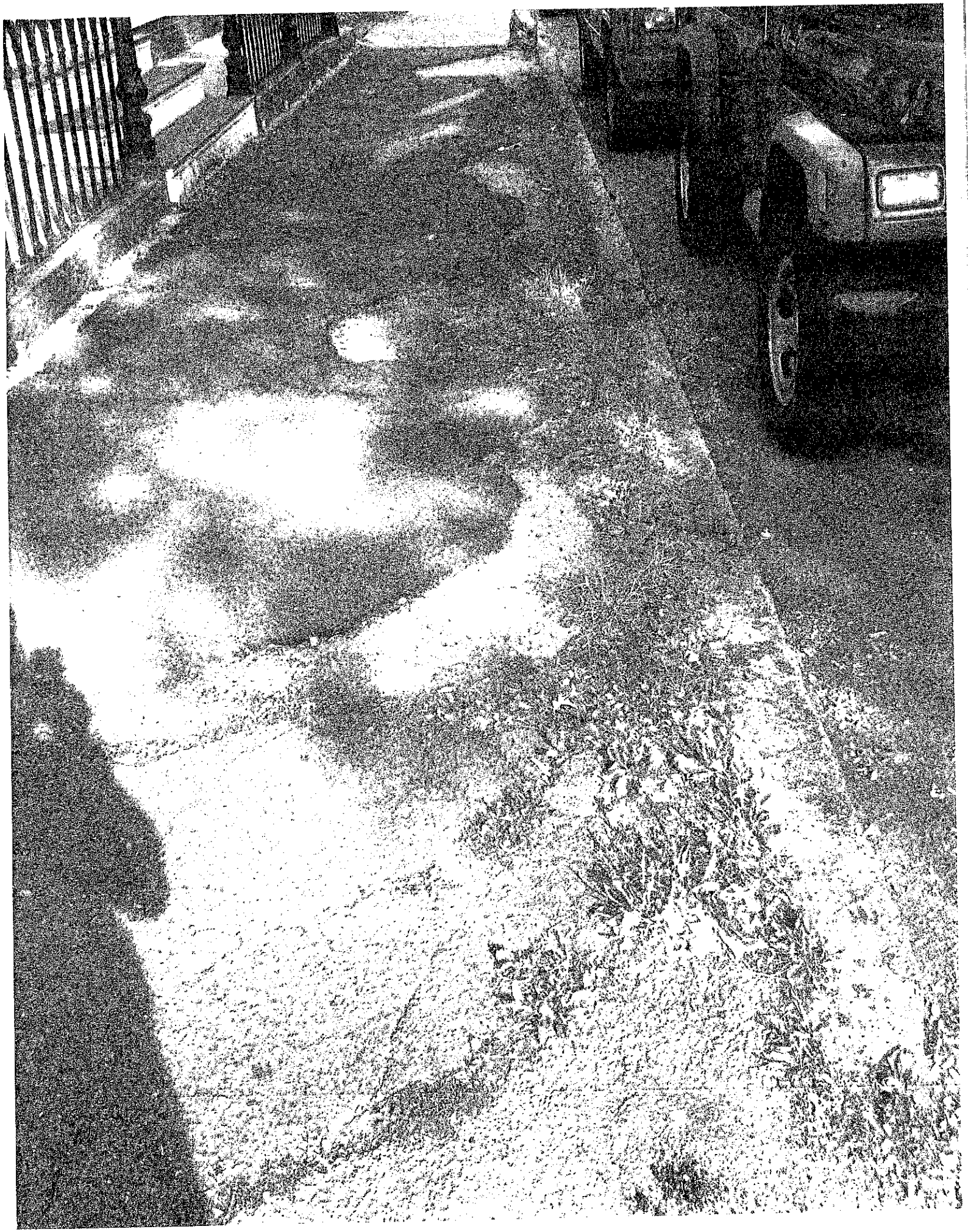
Thank you for your kind attention to this matter,

Lisa Fountis

cc: City Counsil





Communication #6
Sept. 9, 2013

CITY OF NEWBURYPORT
Finance Department

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NEWBURYPORT, MA

2013 AUG 27 P 3:44

Donna D. Holaday
Mayor

TO: Mayor Donna D. Holaday
City Council President Thomas F. O'Brien and Members of the Newburyport City Council

FROM: William B. Squillace, Finance Director/City Auditor

DATE: August 26, 2013

SUBJECT: FY 2013 Year-End Budget Expenditure Report

Attached is a summary of FY 2013 Year-End Budget Expenditures. The report includes expenditures within General Fund departments, plus the Water, Sewer, and Harbormaster Enterprise Funds.

As you will see, expenditures within all funds were within budget appropriations approved by the City Council. Unspent appropriations will be a positive factor in "Free Cash" calculations within the General Fund, and Retained Earnings calculations within the enterprise funds. Once the Massachusetts Department of Revenue verifies and certifies this information, along with other FY 2013 financial data, then the funds will be available for appropriation with the approval of the Mayor and a majority vote of the City Council.

Please feel free to contact me if you have any questions.

Thank you,

William B. Squillace
Finance Director/City Auditor

	ORIGINAL APPROP	TRANSFERS/ ADJUST	REVISED BUDGET	YTD EXPEND	ENCUMB	AVAILABLE BUDGET	PCT USED
163 BOARD OF REGISTRARS							
001 PERSONAL SERVICES	4,000	0	4,000	3,916	84	0	97.9%
007 OTHER CHARGES & EXPENSES	36,000	23,900	59,900	43,080	11,000	5,820	90.3%
163 BOARD OF REGISTRARS Total	**40,000**	**23,900**	**63,900**	**46,997**	**11,000**	**5,903**	**90.8%**
165 LICENSE COMMISSION							
001 PERSONAL SERVICES	5,340	0	5,340	5,340	0	0	100.0%
007 OTHER CHARGES & EXPENSES	1,500	0	1,500	420	0	1,080	28.0%
165 LICENSE COMMISSION Total	**6,840**	**0**	**6,840**	**5,760**	**0**	**1,080**	**84.2%**
182 PLANNING & DEVELOPMENT							
001 PERSONAL SERVICES	252,586	18,462	271,049	262,228	0	8,821	96.7%
002 PURCHASE OF SERVICES	10,000	0	10,000	6,000	0	4,000	60.0%
004 SUPPLIES	6,050	2,000	8,050	7,512	0	538	93.3%
182 PLANNING & DEVELOPMENT Total	**268,636**	**20,462**	**289,099**	**275,741**	**0**	**13,359**	**95.4%**
191 LEGAL DEPARTMENT							
002 PURCHASE OF SERVICES	70,000	0	70,000	64,046	5,953	1	100.0%
191 LEGAL DEPARTMENT Total	**70,000**	**0**	**70,000**	**64,046**	**5,953**	**1**	**100.0%**
210 POLICE DEPARTMENT							
001 PERSONAL SERVICES	2,860,961	25,252	2,886,214	2,885,136	0	1,077	100.0%
002 PURCHASE OF SERVICES	164,866	6,679	171,545	167,612	358	3,575	97.9%
004 SUPPLIES	95,600	1,890	97,490	89,720	1,513	6,257	93.6%
007 OTHER CHARGES & EXPENSES	9,448	0	9,448	8,960	0	488	94.8%
008 CAPITAL OUTLAY	47,300	3,590	50,890	42,401	8,489	0	100.0%
210 POLICE DEPARTMENT Total	**3,178,175**	**37,411**	**3,215,587**	**3,193,829**	**10,360**	**11,397**	**99.6%**
220 FIRE DEPARTMENT							
001 PERSONAL SERVICES	2,828,077	180,869	3,008,946	2,989,573	0	19,372	99.4%
002 PURCHASE OF SERVICES	179,944	15,868	195,812	156,916	7,956	30,940	84.2%
004 SUPPLIES	73,700	1,187	74,887	59,874	2,500	12,513	83.3%
007 OTHER CHARGES & EXPENSES	5,470	201	5,671	3,450	0	2,222	60.8%
008 CAPITAL OUTLAY	6,425	0	6,425	4,974	0	1,451	77.4%
220 FIRE DEPARTMENT Total	**3,093,616**	**198,125**	**3,291,741**	**3,214,787**	**10,456**	**66,497**	**98.0%**
241 BUILDING DEPARTMENT							
001 PERSONAL SERVICES	133,012	1,967	134,979	134,937	0	42	100.0%
002 PURCHASE OF SERVICES	1,325	0	1,325	1,119	0	206	84.4%
241 BUILDING DEPARTMENT Total	**134,337**	**1,967**	**136,304**	**136,056**	**0**	**248**	**99.8%**
291 EMERGENCY MANAGEMENT							
001 PERSONAL SERVICES	13,000	0	13,000	13,000	0	0	100.0%
002 PURCHASE OF SERVICES	10,000	0	10,000	7,147	0	2,853	71.5%
004 SUPPLIES	2,500	0	2,500	903	0	1,597	36.1%
007 OTHER CHARGES & EXPENSES	2,000	0	2,000	0	0	2,000	0.0%
291 EMERGENCY MANAGEMENT Total	**27,500**	**0**	**27,500**	**21,050**	**0**	**6,450**	**76.5%**
292 ANIMAL CONTROL							
001 PERSONAL SERVICES	32,783	2,540	35,323	32,903	0	2,421	93.1%
002 PURCHASE OF SERVICES	9,840	0	9,840	7,559	233	2,048	79.2%
004 SUPPLIES	2,290	1,598	3,888	3,821	0	67	98.3%
292 ANIMAL CONTROL Total	**44,913**	**4,138**	**49,051**	**44,282**	**233**	**4,536**	**90.8%**

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2013 AUG 27 P 3:44

CITY OF NEWBURYPORT
FY 2013 YEAR-END BUDGET REPORT

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NEWBURYPORT, MA
2013 AUG 27 P 3:44

	ORIGINAL APPROP	TRANSFERS/ ADJUST	REVISED BUDGET	YTD EXPEND	ENCUMB-	AVAILABLE BUDGET	PCT USED
001 GENERAL FUND							
111 CITY COUNCIL							
001 PERSONAL SERVICES	60,600	0	60,600	60,600	0	0	100.0%
002 PURCHASE OF SERVICES	4,000	0	4,000	3,655	0	345	91.4%
111 CITY COUNCIL Total	**64,600**	**0**	**64,600**	**64,255**	**0**	**345**	**99.5%**
121 MAYOR'S DEPARTMENT							
001 PERSONAL SERVICES	204,000	1,025	205,025	203,834	0	1,191	99.4%
002 PURCHASE OF SERVICES	14,100	0	14,100	1,897	0	12,204	13.5%
007 OTHER CHARGES & EXPENSES	13,500	5,200	18,700	18,086	0	614	96.7%
121 MAYOR'S DEPARTMENT Total	**231,600**	**6,225**	**237,825**	**223,817**	**0**	**14,008**	**94.1%**
129 GENERAL ADMINISTRATION							
001 PERSONAL SERVICES	43,371	911	44,282	43,659	0	623	98.6%
002 PURCHASE OF SERVICES	156,200	20,559	176,759	164,702	6,500	5,557	96.9%
004 SUPPLIES	5,500	6,943	12,443	10,865	0	1,577	87.3%
007 OTHER CHARGES & EXPENSES	148,620	32,450	181,070	180,963	0	107	99.9%
129 GENERAL ADMINISTRATION Total	**353,691**	**60,863**	**414,554**	**400,189**	**6,500**	**7,865**	**98.1%**
135 AUDITOR'S DEPARTMENT							
001 PERSONAL SERVICES	232,328	2,078	234,405	232,756	0	1,649	99.3%
002 PURCHASE OF SERVICES	40,250	0	40,250	37,090	3,000	160	99.6%
004 SUPPLIES	1,251	0	1,251	1,246	0	5	99.6%
007 OTHER CHARGES & EXPENSES	230	0	230	225	0	5	97.8%
135 AUDITOR'S DEPARTMENT Total	**274,059**	**2,078**	**276,136**	**271,317**	**3,000**	**1,818**	**99.3%**
141 ASSESSORS DEPARTMENT							
001 PERSONAL SERVICES	186,663	2,938	189,600	189,155	0	445	99.8%
002 PURCHASE OF SERVICES	19,750	40,000	59,750	46,947	12,242	561	99.1%
004 SUPPLIES	3,600	0	3,600	3,433	0	167	95.3%
141 ASSESSORS DEPARTMENT Total	**210,013**	**42,938**	**252,950**	**239,535**	**12,242**	**1,173**	**99.5%**
145 TREASURER'S DEPARTMENT							
001 PERSONAL SERVICES	270,774	4,295	275,069	272,471	0	2,598	99.1%
002 PURCHASE OF SERVICES	50,300	5,875	56,175	50,574	4,300	1,302	97.7%
004 SUPPLIES	4,250	0	4,250	3,626	0	624	85.3%
007 OTHER CHARGES & EXPENSES	154,765	0	154,765	141,327	0	13,438	91.3%
145 TREASURER'S DEPARTMENT Total	**480,089**	**10,170**	**490,259**	**467,997**	**4,300**	**17,962**	**96.3%**
151 INFO TECHNOLOGY DEPT							
001 PERSONAL SERVICES	72,467	695	73,162	73,150	0	12	100.0%
002 PURCHASE OF SERVICES	155,023	10,000	165,023	159,566	5,371	87	99.9%
004 SUPPLIES	1,600	0	1,600	1,568	0	32	98.0%
151 INFO TECHNOLOGY DEPT Total	**229,090**	**10,695**	**239,785**	**234,284**	**5,371**	**130**	**99.9%**
161 CITY CLERK'S DEPARTMENT							
001 PERSONAL SERVICES	184,595	6,952	191,547	191,543	0	3	100.0%
002 PURCHASE OF SERVICES	10,750	0	10,750	10,563	0	187	98.3%
161 CITY CLERK'S DEPARTMENT Total	**195,345**	**6,952**	**202,297**	**202,106**	**0**	**190**	**99.9%**

	ORIGINAL APPROP	TRANSFERS/ ADJUST	REVISED BUDGET	YTD EXPEND	ENCUMB	AVAILABLE BUDGET	PCT USED
293 PARKING CLERK DEPARTMENT							
001 PERSONAL SERVICES	41,816	309	42,125	42,125	0	0	100.0%
293 PARKING CLERK DEPARTMENT Total	**41,816**	**309**	**42,125**	**42,125**	**0**	**0**	**100.0%**
300 SCHOOL DEPARTMENT							
002 PURCHASE OF SERVICES	22,550,436	599,015	23,149,451	22,143,405	1,006,046	0	100.0%
300 SCHOOL DEPARTMENT Total	**22,550,436**	**599,015**	**23,149,451**	**22,143,405**	**1,006,046**	**0**	**100.0%**
399 WHITTIER VO TECH SCHOOL							
002 PURCHASE OF SERVICES	275,985	0	275,985	275,985	0	0	100.0%
399 WHITTIER VO TECH SCHOOL Total	**275,985**	**0**	**275,985**	**275,985**	**0**	**0**	**100.0%**
421 PUBLIC SERVICES DEPARTMENT							
001 PERSONAL SERVICES	1,080,408	19,680	1,100,089	1,047,904	600	51,584	95.3%
002 PURCHASE OF SERVICES	365,150	145,393	510,543	439,872	37,976	32,695	93.6%
004 SUPPLIES	180,200	153,727	333,927	305,458	23,498	4,972	98.5%
008 CAPITAL OUTLAY	60,000	481,249	541,249	234,753	306,496	0	100.0%
421 PUBLIC SERVICES DEPARTMENT Total	**1,685,758**	**800,049**	**2,485,808**	**2,027,986**	**368,570**	**89,251**	**96.4%**
423 SNOW & ICE							
001 PERSONAL SERVICES	85,000	14,229	99,229	98,835	0	394	99.6%
002 PURCHASE OF SERVICES	85,000	139,132	224,132	224,124	0	8	100.0%
423 SNOW & ICE Total	**170,000**	**153,361**	**323,361**	**322,959**	**0**	**402**	**99.9%**
510 HEALTH DEPARTMENT							
001 PERSONAL SERVICES	226,763	21,612	248,374	245,662	0	2,712	98.9%
002 PURCHASE OF SERVICES	1,120,644	156,308	1,276,952	1,206,094	9,471	61,387	95.2%
004 SUPPLIES	4,500	0	4,500	4,200	150	150	96.7%
007 OTHER CHARGES & EXPENSES	2,000	127,836	129,836	10,817	118,079	941	99.3%
510 HEALTH DEPARTMENT Total	**1,353,907**	**305,756**	**1,659,662**	**1,466,772**	**127,700**	**65,190**	**96.1%**
541 COUNCIL ON AGING							
001 PERSONAL SERVICES	176,142	3,237	179,379	179,378	0	0	100.0%
002 PURCHASE OF SERVICES	18,900	0	18,900	17,759	0	1,141	94.0%
004 SUPPLIES	4,500	0	4,500	2,825	0	1,675	62.8%
541 COUNCIL ON AGING Total	**199,542**	**3,237**	**202,779**	**199,962**	**0**	**2,816**	**98.6%**
542 YOUTH SERVICES							
001 PERSONAL SERVICES	120,341	1,714	122,055	107,986	0	14,069	88.5%
002 PURCHASE OF SERVICES	8,800	1,200	10,000	8,108	0	1,892	81.1%
007 OTHER CHARGES & EXPENSES	69,810	4,682	74,492	73,407	1,086	0	100.0%
542 YOUTH SERVICES Total	**198,951**	**7,596**	**206,547**	**189,501**	**1,086**	**15,961**	**92.3%**
543 VETERANS' DEPARTMENT							
001 PERSONAL SERVICES	44,070	5,330	49,400	49,387	0	13	100.0%
002 PURCHASE OF SERVICES	3,500	0	3,500	3,287	0	213	93.9%
007 OTHER CHARGES & EXPENSES	173,780	62,000	235,780	232,794	0	2,986	98.7%
543 VETERANS' DEPARTMENT Total	**221,350**	**67,330**	**288,680**	**285,468**	**0**	**3,212**	**98.9%**
610 LIBRARY DEPARTMENT							
001 PERSONAL SERVICES	957,089	28,863	985,952	951,131	0	34,821	96.5%
002 PURCHASE OF SERVICES	303,840	36,850	340,690	324,558	14,850	1,282	99.6%
610 LIBRARY DEPARTMENT Total	**1,260,929**	**65,713**	**1,326,642**	**1,275,689**	**14,850**	**36,103**	**97.3%**

	ORIGINAL APPROP	TRANSFERS/ ADJUST	REVISED BUDGET	YTD EXPEND	ENCUMB	AVAILABLE BUDGET	PCT USED
630 PARKS COMMISSION							
001 PERSONAL SERVICES	31,500	315	31,815	31,815	0	0	100.0%
002 PURCHASE OF SERVICES	24,870	89,051	113,921	91,004	20,834	2,083	98.2%
004 SUPPLIES	5,000	0	5,000	4,993	0	7	99.9%
630 PARKS COMMISSION Total	**61,370**	**89,366**	**150,736**	**127,812**	**20,834**	**2,089**	**98.6%**
710 DEBT EXCLUSION							
009 DEBT SERVICE	970,106	0	970,106	970,106	0	0	100.0%
710 DEBT EXCLUSION Total	**970,106**	**0**	**970,106**	**970,106**	**0**	**0**	**100.0%**
720 ORDINARY DEBT SERVICE							
009 DEBT SERVICE	1,067,681	0	1,067,681	1,059,038	0	8,643	99.2%
720 ORDINARY DEBT SERVICE Total	**1,067,681**	**0**	**1,067,681**	**1,059,038**	**0**	**8,643**	**99.2%**
911 RETIREMENT BOARD							
001 PERSONAL SERVICES	3,356,233	0	3,356,233	3,356,233	0	0	100.0%
911 RETIREMENT BOARD Total	**3,356,233**	**0**	**3,356,233**	**3,356,233**	**0**	**0**	**100.0%**
912 WORKERS' COMPENSATION							
001 PERSONAL SERVICES	54,604	0	54,604	54,604	0	0	100.0%
912 WORKERS' COMPENSATION Total	**54,604**	**0**	**54,604**	**54,604**	**0**	**0**	**100.0%**
913 UNEMPLOYMENT CLAIMS							
001 PERSONAL SERVICES	30,000	24,249	54,249	12,938	5,000	36,311	33.1%
913 UNEMPLOYMENT CLAIMS Total	**30,000**	**24,249**	**54,249**	**12,938**	**5,000**	**36,311**	**33.1%**
914 INSURANCE GROUP							
001 PERSONAL SERVICES	7,504,201	-244,737	7,259,464	6,957,426	39,849	262,189	96.4%
002 PURCHASE OF SERVICES	15,000	0	15,000	13,865	0	1,135	92.4%
004 SUPPLIES	20,000	0	20,000	16,501	0	3,499	82.5%
914 INSURANCE GROUP Total	**7,539,201**	**-244,737**	**7,294,464**	**6,987,791**	**39,849**	**266,824**	**96.3%**
942 STABILIZATION OUTLAY							
007 OTHER CHARGES & EXPENSES	5,000	0	5,000	5,000	0	0	100.0%
942 STABILIZATION OUTLAY Total	**5,000**	**0**	**5,000**	**5,000**	**0**	**0**	**100.0%**
990 INTERFUND TRANSFERS OUT							
010 OTHER FINANCING USES	0	417,859	417,859	417,859	0	0	100.0%
990 INTERFUND TRANSFERS OUT Total	**0**	**417,859**	**417,859**	**417,859**	**0**	**0**	**100.0%**
001 GENERAL FUND Total	**49,945,373**	**2,715,027**	**52,660,400**	**50,327,282**	**1,653,349**	**679,764**	**98.7%**

	ORIGINAL APPROP	TRANSFERS/ ADJUST	REVISED BUDGET	YTD EXPEND	ENCUMB	AVAILABLE BUDGET	PCT USED
060 WATER FUND							
450 WATER DEPARTMENT							
001 PERSONAL SERVICES	1,798,243	13,016	1,811,262	1,708,930	0	102,331	94.4%
002 PURCHASE OF SERVICES	808,686	27,884	836,570	705,759	23,014	107,797	87.1%
004 SUPPLIES	218,800	0	218,800	182,289	250	36,261	83.4%
007 OTHER CHARGES & EXPENSES	67,086	822	67,908	57,144	0	10,764	84.1%
008 CAPITAL OUTLAY	188,000	129,378	317,378	276,203	21,124	20,051	93.7%
009 DEBT SERVICE	840,061	0	840,061	822,821	0	17,240	97.9%
450 WATER DEPARTMENT Total	**3,920,876**	**171,100**	**4,091,979**	**3,753,144**	**44,388**	**294,445**	**92.8%**
990 INTERFUND TRANSFERS OUT							
009 DEBT SERVICE	0	443,133	443,133	443,133	0	0	100.0%
990 INTERFUND TRANSFERS OUT Total	**0**	**443,133**	**443,133**	**443,133**	**0**	**0**	**100.0%**
060 WATER FUND Total	**3,920,876**	**614,233**	**4,535,112**	**4,196,277**	**44,388**	**294,445**	**93.5%**
061 SEWER FUND							
440 SEWER DEPARTMENT							
001 PERSONAL SERVICES	1,853,279	14,198	1,867,478	1,717,979	0	149,498	92.0%
002 PURCHASE OF SERVICES	1,380,278	203,883	1,584,161	1,040,609	133,300	410,252	74.1%
004 SUPPLIES	340,460	40,500	380,960	171,535	19,000	190,425	50.0%
007 OTHER CHARGES & EXPENSES	16,350	4,536	20,886	20,006	0	880	95.8%
008 CAPITAL OUTLAY	537,120	-98,000	439,120	289,283	56,200	93,637	78.7%
009 DEBT SERVICE	1,188,204	0	1,188,204	1,188,204	0	0	100.0%
440 SEWER DEPARTMENT Total	**5,315,691**	**165,117**	**5,480,809**	**4,427,616**	**208,500**	**844,693**	**84.6%**
990 INTERFUND TRANSFERS OUT							
009 DEBT SERVICE	0	743,133	743,133	743,133	0	0	100.0%
990 INTERFUND TRANSFERS OUT Total	**0**	**743,133**	**743,133**	**743,133**	**0**	**0**	**100.0%**
061 SEWER FUND Total	**5,315,691**	**908,250**	**6,223,942**	**5,170,749**	**208,500**	**844,693**	**86.4%**
6520 HARBORMASTER							
295 HARBORMASTER DEPARTMENT							
001 PERSONAL SERVICES	216,870	5,000	221,870	186,181	0	35,689	83.9%
002 PURCHASE OF SERVICES	40,750	11,612	52,362	31,730	0	20,632	60.6%
004 SUPPLIES	18,800	0	18,800	13,116	0	5,684	69.8%
007 OTHER CHARGES & EXPENSES	5,825	0	5,825	5,115	0	710	87.8%
008 CAPITAL OUTLAY	30,000	0	30,000	28,330	0	1,670	94.4%
009 DEBT SERVICE	27,000	0	27,000	27,000	0	0	100.0%
010 OTHER FINANCING USES	0	25,000	25,000	25,000	0	0	100.0%
295 HARBORMASTER DEPARTMENT Total	**339,245**	**41,612**	**380,857**	**316,472**	**0**	**64,386**	**83.1%**
6520 HARBORMASTER Total	**339,245**	**41,612**	**380,857**	**316,472**	**0**	**64,386**	**83.1%**

Communication #7
Sept. 9, 2013

MEMO

TO: The Honorable City Council

FROM: Michael Dissette, Chair, Community Preservation Committee

RE: Modification to Project No. 8: Frog Pond Restoration at the Bartlet Mall

DATE: August 30, 2013

At the August 27th meeting of the Community Preservation Committee ('CPC'), Walt Thompson, Chair of the Bartlet Mall Commission, requested a modification to the Mall's proposed project, which is currently before you for a final vote on the CPC-recommended appropriation of $12,000.

Mr. Thompson requested that the Project (No. 8 on your proposed Order) application be modified so that any appropriation may be applied to the project costs associated with the removal of algae from Frog Pond. He explained that the Commission has learned that the health of the Pond is at immediate risk due to high levels of bacteria and algal growth. Community events have had to be cancelled due to the poor quality of the water and the potential health risks associated with accidental ingestion of the water.

Mr. Thompson's request is prompted by the recently received private donation designated to cover the costs of the project as outlined in the original CPA grant application, which included purchase and installation of pond aerators, refurbishment of several benches and the addition of plantings around the George Washington statue.

The CPC unanimously voted to approve Mr. Thompson's request for modification. The Committee believes that improving the health of the Pond is an integral part of preserving the historical and recreational integrity of the Bartlet Mall.

The CPC respectfully requests that the attached revised description of Project No. 8 be substituted for the description for this project originally submitted to Council.

I will be in attendance at the Council's September 9th meeting if there are any questions about this modification.

PROJECT NO. 8
FROG POND RESTORATION AT THE BARTLET MALL

The CPC recommends the appropriation of $12,000 to the Bartlet Mall Commission to be applied toward the cost of the Frog Pond Algae and Nutrient Removal project with the condition that prior to distribution of any funds the applicant secures full funding for this effort.

The CPA category for this project is Historic Resource and Recreation.

Project Summary

The Bartlet Mall is visited by thousands of people year-round. The Frog Pond, at the center of the park, is an ancient kettle hole left behind by the glaciers. Unfortunately, though named "Frog Pond" there are no frogs living in it due, in part, to high level of algae. The CPA funding will contribute to the total project costs associated with ridding the pond of the algae, which will improve the health of the pond for both the wildlife and for the community.

The health of the Pond is at immediate risk due to high levels of bacteria and algal growth. Community events have had to be cancelled due to the poor quality of the water and the potential health risks associated with accidental ingestion of the water. Improving the health of the Pond is an integral part of preserving the historical and recreational integrity of the Bartlet Mall.

Communication #8
Sept. 9, 2013

compass
auto works
6 NEW PASTURE RD.
NEWBURYPORT, MA 01950
978.465.3360 tel / 978.465.8927 fax

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2013 SEP -3 P 2:41

Robert J. Cronin
City Council of Newburyport MA.
City of Newburyport – City Hall
60 Pleasant St.
Newburyport, MA 01950

September 3, 2013

RE: Request to move our business sign to the beginning of New Pasture Rd.

Dear Mr. Cronin,

Let me begin by introduction, my name is Renee Wheeler and my husband Randy and I own and operate a Massachusetts State Inspection station and auto repair facility located at; 6 New Pasture rd. in the industrial park off of Graf Road.

We have owned and operated a business from this location since 1996. For the last 10 years or so we have been licensed by the state to perform Mass State Emission Inspections for all classes of vehicles.

We are writing you today to request that we be allowed to place our MA State Inspection and repair sign at the beginning of New Pasture road. Without the sign at the start of New Pasture rd. we have absolutely no visibility to the general public.

We have taken the liberty of providing you pictures of other business in Newburyport who currently have signs quite a ways from there front doors and are out on the main road to attract business and there are many but we will list just a few

Here is a list of the business that has signs on main roads far from their doors:

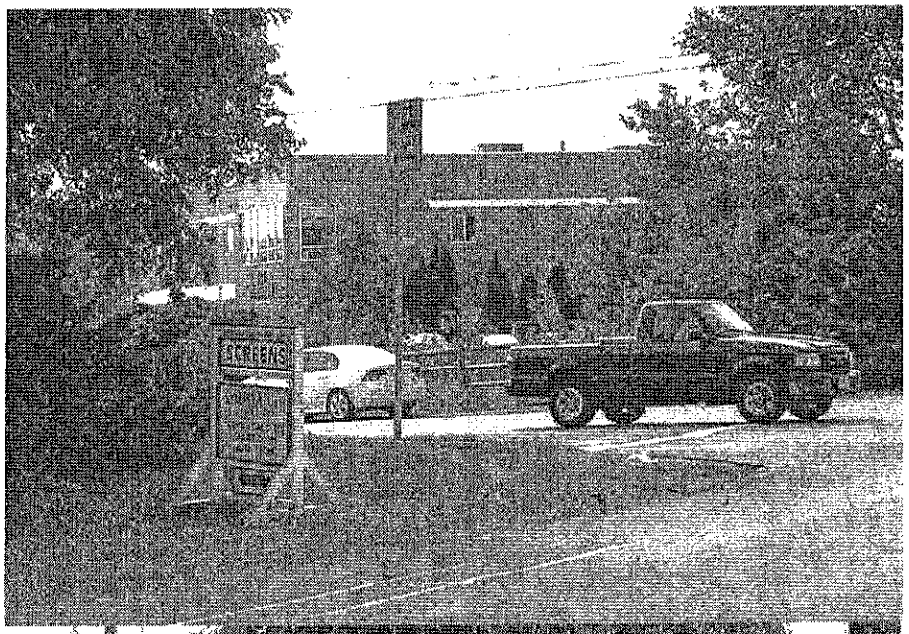
1. Merrimack Valley Glass
2. Black Cow Tap & Grill
3. Plum Island Coffee Roasters
4. Newburyport Whale Watch / Boat Camp Inc.
5. Ivy Ln.
6. The Jewel in the Crown Fine Indian Cuisine

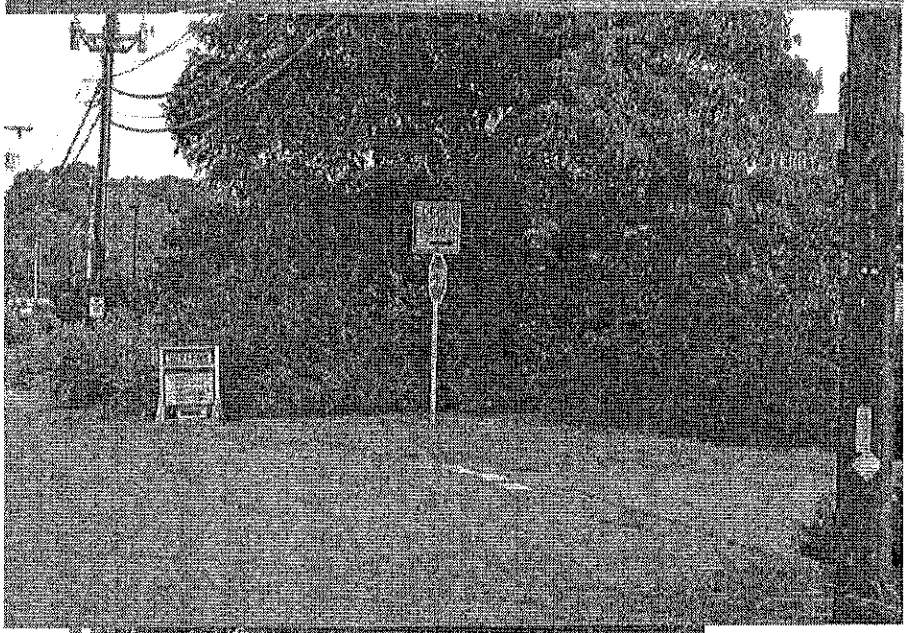
We are simply looking for the ability to direct traffic to our location. We pay a substantial amount of taxes to the city for the property at 6 New Pasture rd.

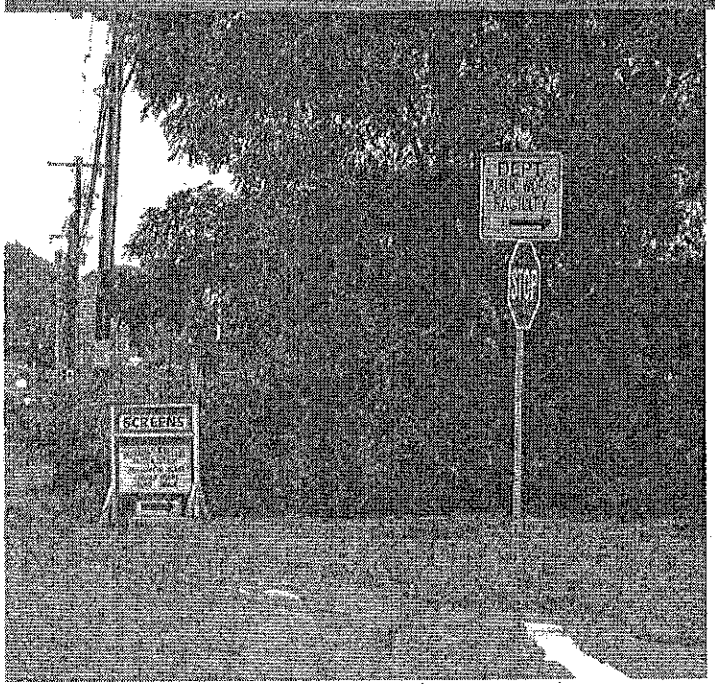
Please review the documentation we have provided and we hope to hear a favorable outcome. Thank you for your kind consideration.

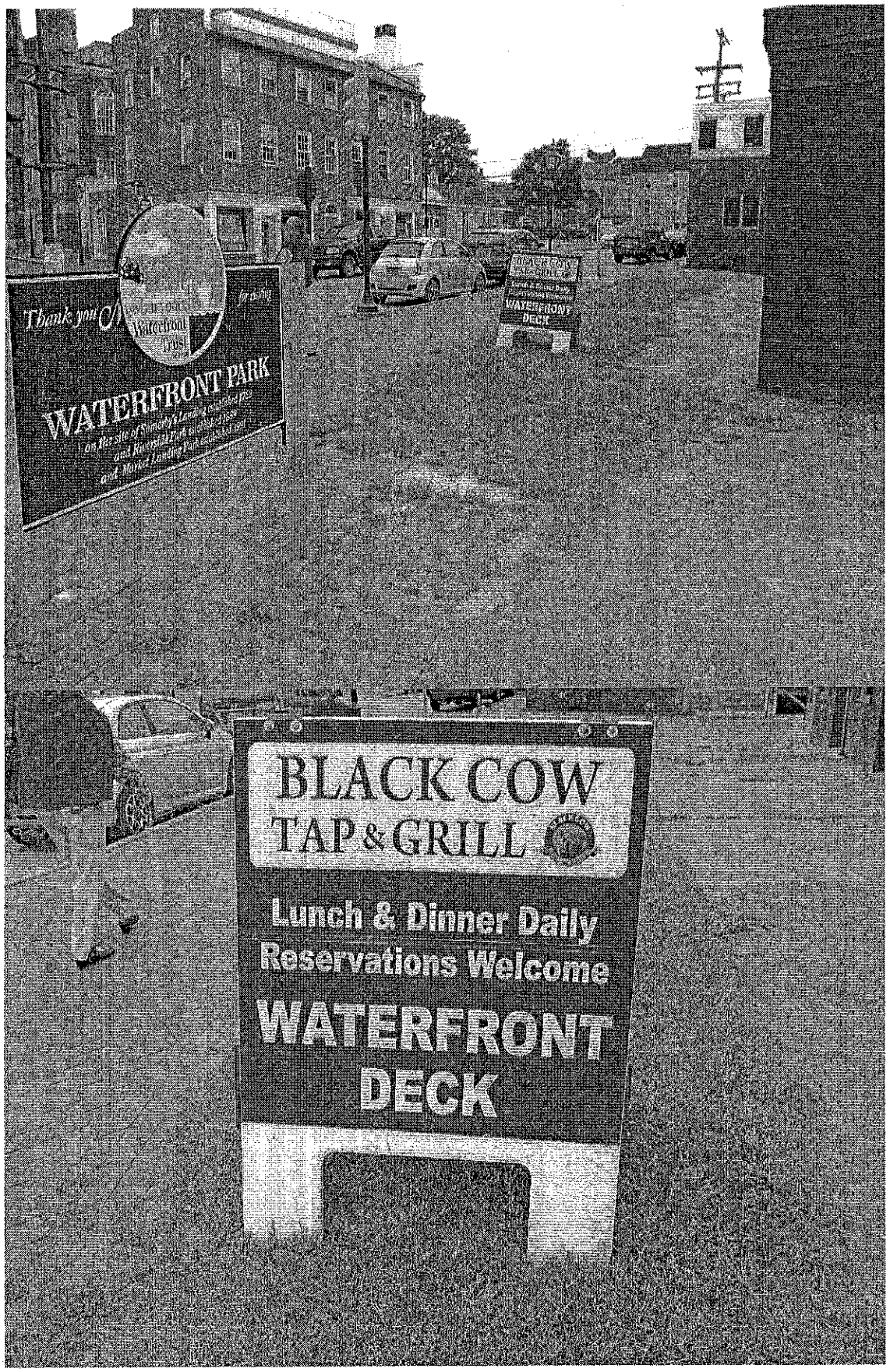
Sincerely,

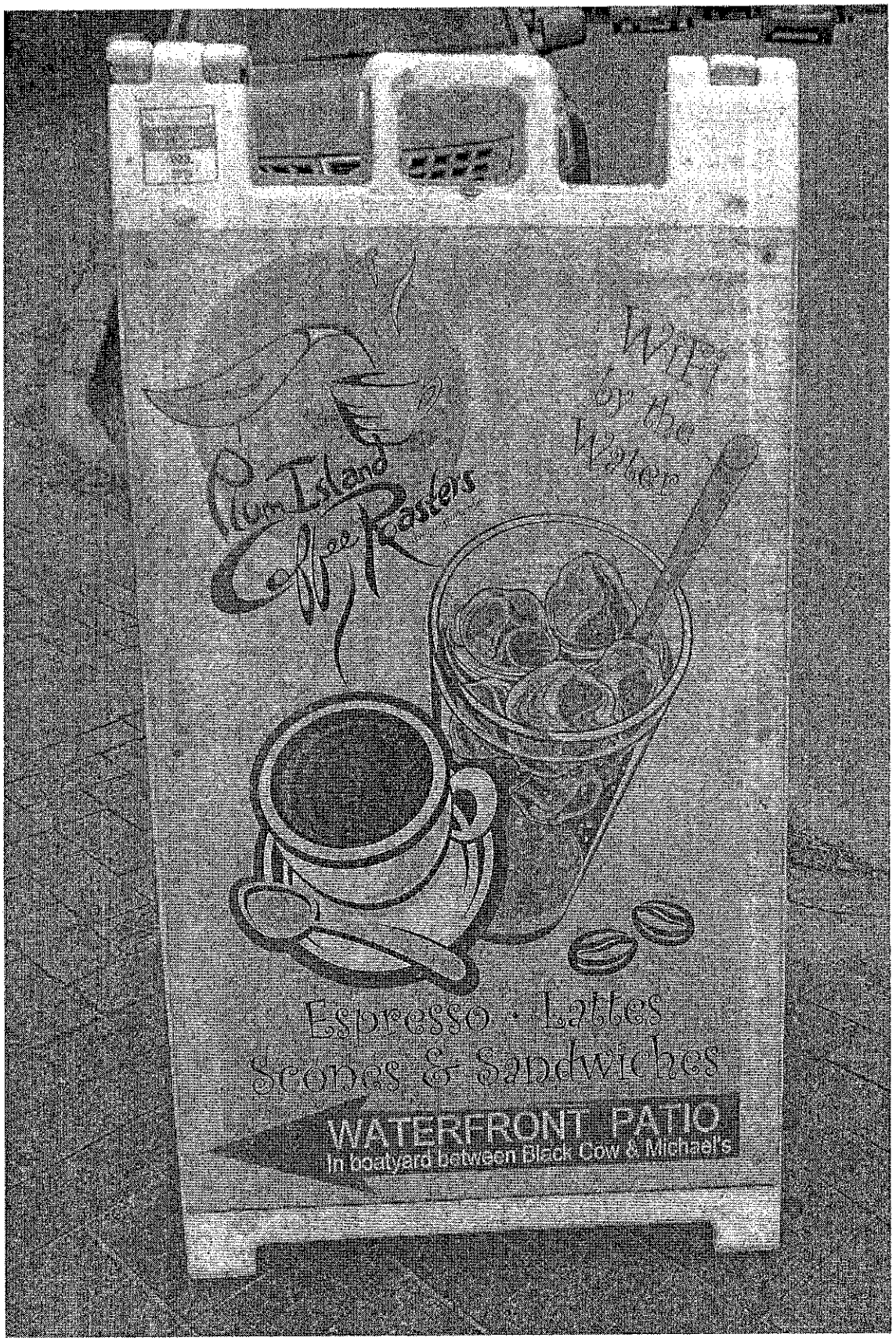
Renee Wheeler

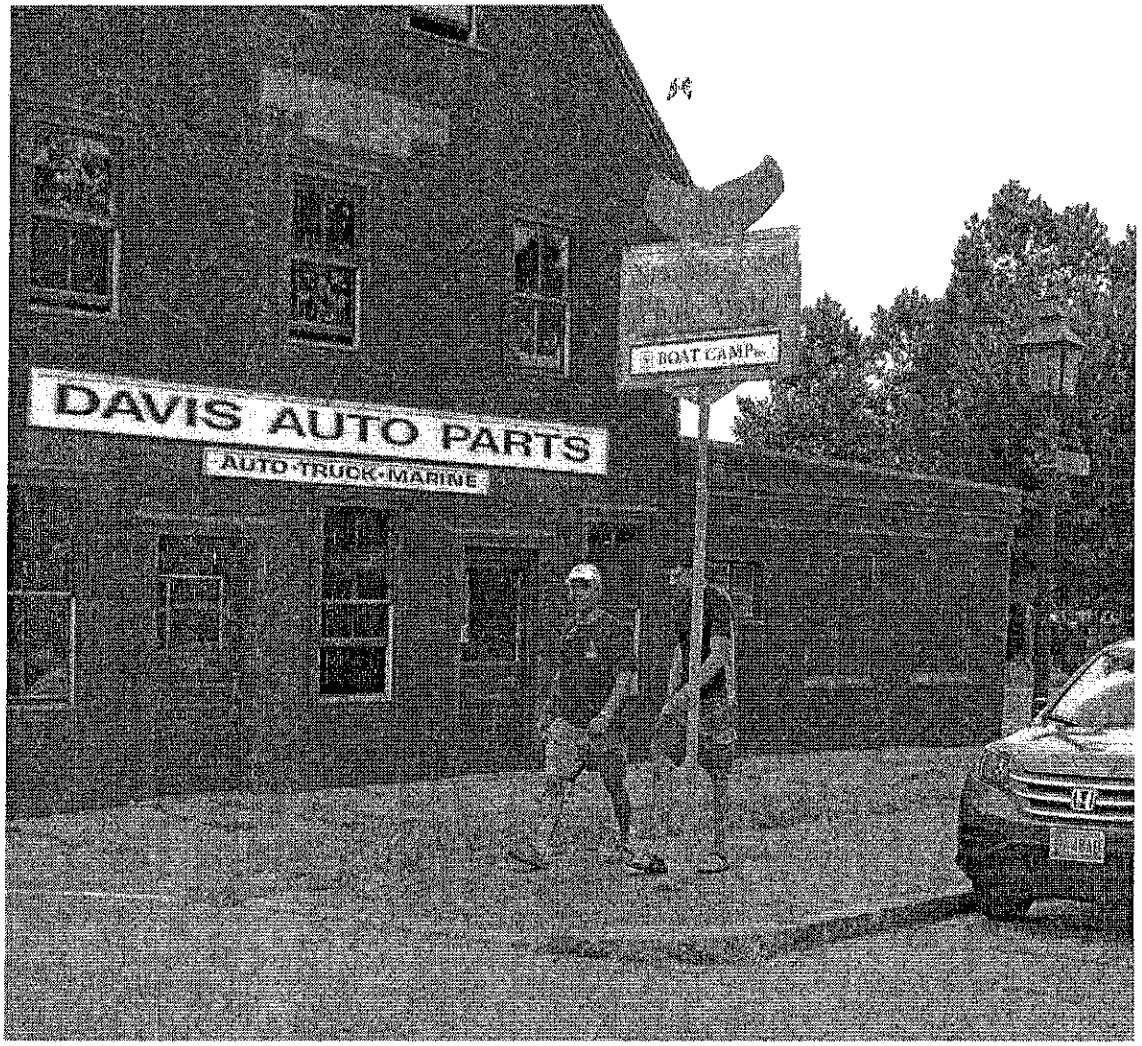

SCREENS

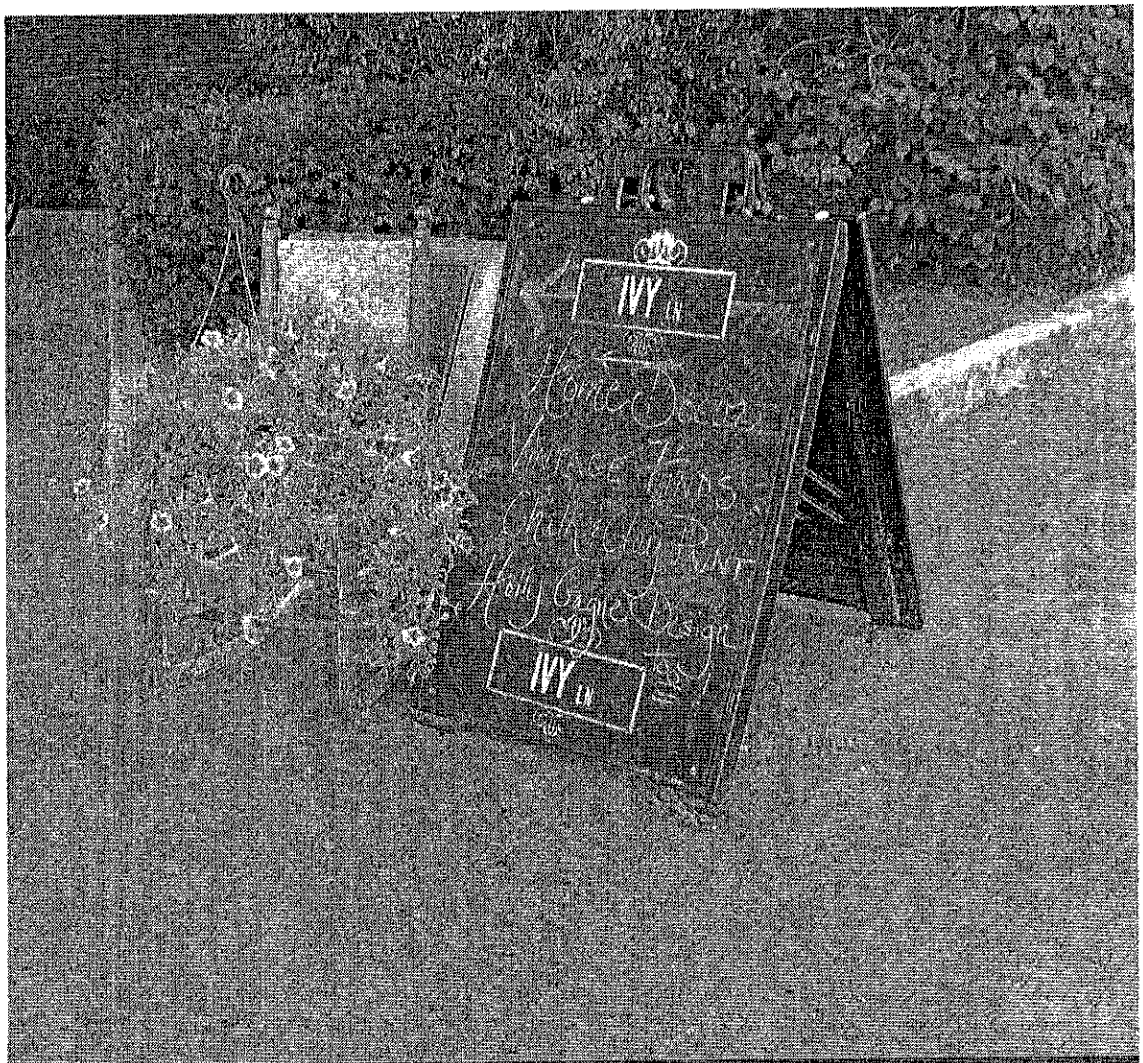


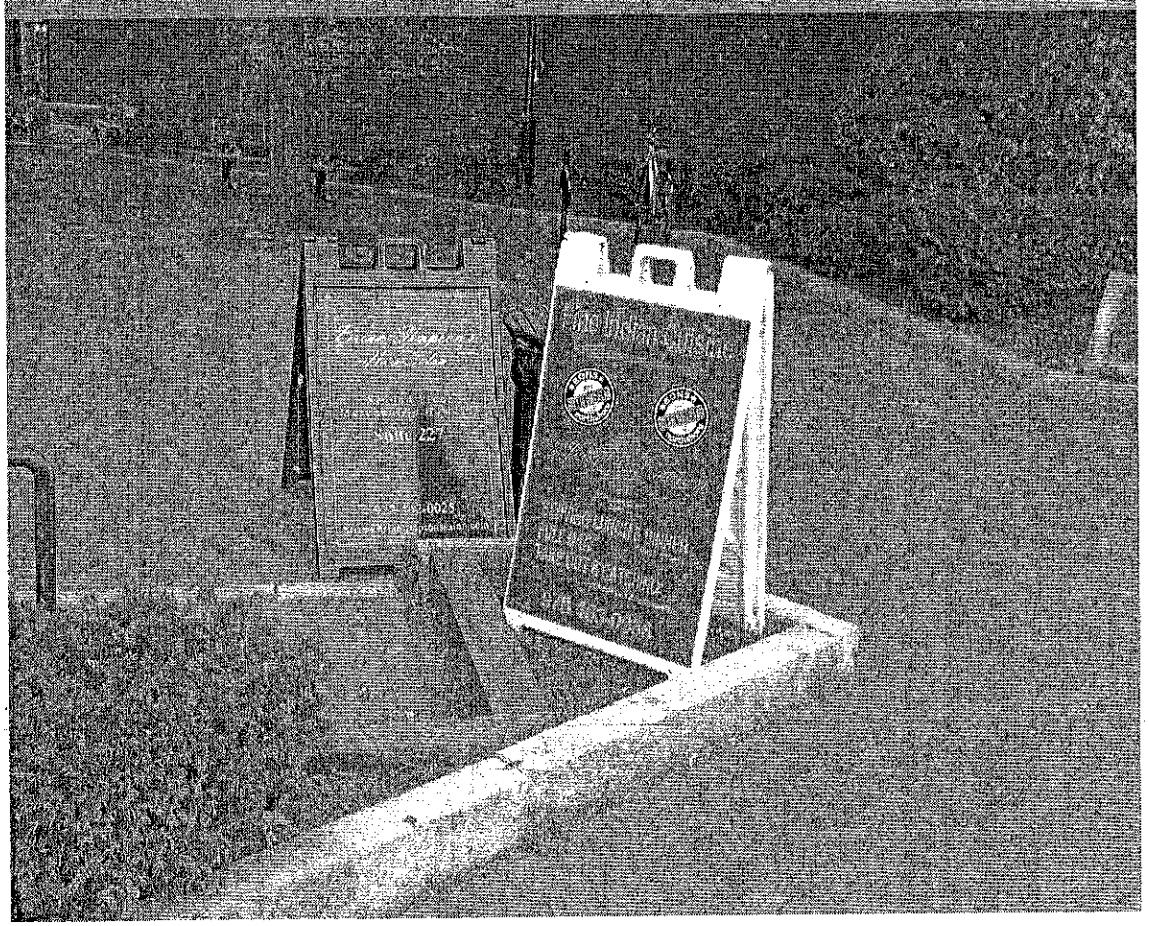

DEPT
FACILITY
STOP
SCREENS


WATERFRONT PARK
BLACK COW
TAP & GRILL
Lunch & Dinner Daily
Reservations Welcome
WATERFRONT
DECK


Plum Island
Coffee Roasters
Espresso · Lattes
Scones & Sandwiches
WATERFRONT PATIO
In boatyard between Black Cow & Michael's


DAVIS AUTO PARTS
AUTO·TRUCK·MARINE
BOAT CAMP


IVY
IVY



Richard Jones

From: Paul Dahn <pauldahn1@me.com>
Sent: Wednesday, September 04, 2013 11:12 AM
To: Richard Jones
Cc: Kara Dahn; maddied1231@hotmail.com
Subject: Re: High St. Halloween Fun Run for City Councel

Thanks Richard.

I spoke with Bob Uhlig who thinks the idea is a very good one and pointed out we need to coordinate with Lisa. I also spoke with Richard J. Siemasko, Esq. at the police department who believes High St our first idea is not practical at this point but is supportive of the concept. We would like to propose the following and open to modifying according to feedback from City Council etc.

Event: Spooky Rail Trail Halloween Kids Fun Race to raise awareness and funds for Jeanie Geiger Center

When: October 27, 2013 Approximately 11am - 2pm

Where: Rail Trail starting at train station parking lot and ending at Cashman Park

Communication #9
Sept. 9, 2013

APPOINTMENTS

Appointment #1
Sept. 9, 2013

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

2013 SEP -3 P 12: 12

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: September 3, 2013

Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Newburyport Trust Fund Commission. This term will expire on September 30, 2016.

Paul D. Bertrand
1 Moseley Place
Newburyport, MA 01950

resume

PAUL D. BERTRAND

Insurance Career Resume
Paul D. Bertrand
1 Moseley Place
Newburyport, MA 01950

Phone #978-358-7535, e-mail, pbert01913@comcast.net

Academics
BSBA degree from Suffolk University, Boston, MA 1972

Chartered property casualty underwriter's designation (CPCU) 1979
Taught evening insurance courses at Northeastern Univ., Boston, MA 1981, 1982

Civic Activities
President of Concord, MA Rotary Club 1991-1992

Professional Experience
1968-1975
Property underwriter, Andover Companies, Andover, MA
Marketing representative, New Hampshire Ins. Co., Manchester, NH

1975-1985
V.P. McWalter Ins. Agency, Concord, MA
Responsible for all commercial lines
Personal lines sales and marketing

1985-1987
President of Charles H. Watkins Ins. Agency, Inc., Bedford, MA
Responsible for all aspects of a five million dollar agency

1987-1994
Sr. V.P. Cadell and Byers Ins. Agency, Inc., Lowell, MA
Commercial insurance sales mgr.
Responsible for marketing and sales strategies including budgeting and sales projections
Sales and service of one million dollar revenue, commercial book of business

1994-2008
Executive V.P. HRH/American Phoenix Ins. Agency of MA, Inc., Lowell, MA
Responsible for planning and managing sales center
Responsible for servicing and sales on one million dollar revenue book of commercial accounts and managing support team
Sales production of new commercial clients
Developed a countrywide insurance program for orchestras

Partial listing of non-profit entities that I serviced:
Boston Symphony Orchestra/Boston and Tanglewood (serviced for 28 years)
New England Conservatory, Longy School of Music, All Newton Music School, Nat'l Society of Colonial Dames, Historic New England aka SPNEA, Boston Ballet, Northeast Metropolitan VoTech School, Shawsheen VoTech School, Concord Museum, Gore Place Museum, Nashville Symphony, Syracuse Symphony

2008-2011
Executive V.P. Willis Insurance
Sales and service of commercial lines
Transitioning book of business to peer producer

Appointment #2
Sept. 9, 2013

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
2013 SEP -3 P 12: 12

Donna D. Holaday

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: September 3, 2013

Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Historical Commission. This term will expire on September 30, 2015.

Malcolm Carnwath
22 Strong Street
Newburyport, MA 01950

Mayor Donna Holaday
Newburyport City Hall
Green and Pleasant Streets
Newburyport Ma

Dear Mayor Holaday,

I would like to serve on the City Historic Commission. I've lived in Newburyport for 37 years and have been actively involved in Real Estate for 30 of those years. This gives me a unique advantage because I've had to understand the zoning bylaws to help customers. I also had to learn about current construction techniques as well to better serve my customers and clients and had the unique opportunity to audit courses in Historical architecture at Boston University to help my company when it came to marketing real estate and historic properties. I wrote a pamphlet on a historic house on Fair Street for the owner, which is now in the permanent archives of the Historical Society of Old Newbury, this incorporated deed research at the registry of deeds in Salem as well as the state archives at Columbia point in Boston. I appreciate contractor rights as well as citizen rights, but if I can help in any way I would enjoy doing so. I have a small library of books on old house and framing techniques and would love to help if possible. Thank you for any consideration.

Most Sincerely,

Malcolm Carnwath

Malcolm Carnwath
22 Strong St
Newburyport Ma

Malcolm S. Carnwath
22 Strong Street
Newburyport Ma 01950

1952-1964	Chestnut Hill Academy Philadelphia Pa
1964-1965	Plymouth Whitemarsh High School Plymouth Meeting Pa
1965-1966	Winter Park High School Winter Park Fl
1966-1968	Orlando Junior College Lake Highland, Orlando Fl
1968-1972	United States Navy Hospital Corpsman/ Dental Tech
1972-1974	New England College Henniker NH Received BA in Journalism Communications
1974-1978	Freelance Folk Singer Worked with Tom Rush, Muddy Waters, Dave Van Ronk
1978-1980	Northern Essex Community College CETA grant recipient tutor business English English, basic Writing, journalism
1980-1983	Portsmouth Design Inc Amesbury Ma managed small manufacturing co
1983-present	Real Estate Broker Newburyport Ma Blues pianist

Appointment #3
Sept. 9, 2013

Appointment #4
Sept. 9, 2013

CITY CLERK
NEWBURYPORT, MA
2013 SEP -4 A 9:55

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

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

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: September 4, 2013

Subject: Appointment

I hereby appoint, subject to your approval, the following named individuals as Special Police Officers with the Newburyport Police Department to work private detail and road construction

Craig S. Goodrich
3 Del-Logan Drive
Salisbury, MA 01952

Alan M. Maguire
15 Lincoln Avenue
Salisbury, MA 01952

CITY OF NEWBURYPORT

POLICE DEPARTMENT

THOMAS. H. HOWARD
CITY MARSHAL
&
EMERGENCY MANAGEMENT DIRECTOR

4 GREEN ST

NEWBURYPORT, MA 01950

TEL: 978.462-4413

FAX: 978.462-0396

August 12, 2013

TO: Mayor Donna Holaday
FR: Thomas Howard, City Marshal

RE: Special Police Appointment

I'm requesting the follow individuals be appointed special police officers. Each of these individuals has been or is currently employed in some capacity with the Newburyport Police Department. As I stated at the department head meeting the demand for traffic details in Newburyport has increased significantly with construction projects throughout the City. This situation continues to strain our workforce with the start of a five year Whittier Bridge replacement project. This project alone will be requiring large numbers of officers daily.

Our staffing level with both reserve and special officers has diminished to five officers. This situation has been caused by delays in the Civil Service entrance exams, and the loss of special officers due to age restrictions and required annual training and firearm qualifications. An example of the situation was felt Sunday when traffic details for the Yankee Homecoming parade were unable to be filled causing a dangerous situation.

In an effort to meet our demand for traffic officers and to meet the state training requirements, I have reached out to retired officers and those retiring to hire trained and qualified officers for detail work. The following individuals have shown an interest in working as traffic detail officers for the police department

Craig Goodrich, DOB 8-11-1971 of 3 Del-Logan Drive Salisbury, Mass, is a fulltime dispatcher with the police department. Dispatchers are routinely the only personnel in the station during a shift. Dispatchers are responsible for the communications section, 911 center, handling walk-in traffic & complaints, and for monitoring persons held in custody. Having only dispatch personnel assigned to the station during a shift, places them with the responsibility of the station and those held in custody. Additionally, we want to utilize him on traffic details as well.

CITY OF NEWBURYPORT

The second person is Sergeant Allen Maguire, DOB September 15, 1960, of 15 Lincoln Ave Salisbury, Mass. Sergeant Maguire has just notified the department of his intention to retire on September 28, 2013. He is willing to continue to be called upon to assist the department with traffic detail work. Again this officer has worked with the department for many years with no disciplinary record.

It is my recommendation that these persons are appointed as special police officers for traffic duty. As a department I prefer to utilize Newburyport police officers on traffic details where I have clear control and expectations of them. When we are forced because of limited officers to hire detail officers from outside agencies we do not have the same control over who we get.

I ask for your support to move this process forward so we can begin to update their training and make them available for traffic work. Thank you for your consideration and assistance with this matter. If you have any questions, please contract my office.

Craig S. Goodrich
3 Del-Logan Dr.
Salisbury, MA 01952
(978) 818-4382

City of Newburyport- Dispatcher
Newburyport, MA
December 2011-Present
-Part time dispatcher
-Full time dispatcher June 2012

Town of Salisbury- Special Police Officer
Salisbury, MA
June 2011-Present
-Special Police Officer
-Patrols and details in the Town of Salisbury

North Shore Education Consortium- Teacher Aid
Beverly, MA
January 2011- June 2012
-One on one for difficult student
-Teacher Aid for High School/Junior High math class

Mabardy Oil- Manager
Exeter, NH
June 2010- January 2011
-Manager of Exeter One Stop
-Hiring, firing and scheduling employees
-Payroll and balancing sales books

KTG Investigations- Self Employed
Pembroke Pines, FL
November 2006- June 2010
-Providing injury attorneys with on call investigative assistance.
-Meeting prospective clients, outlining process, explaining legal documents.
-Investigating claims, photographing scenes, and interviewing witnesses.

WTEB Management- Land Acquisition Agent
Sunrise, FL
March 2005- April 2006
-Cold calling land owners to purchase vacant land.

Power Cable Tech- Crew Leader

Miami, FL

December 2003- January 2005

-Power restoration before and after hurricanes.

-Environmental clean up before and after hurricanes.

-Leak repairs in FPL substations.

JAFCO- Group Home Manager/Case Manager

Sunrise, FL

December 2001- November 2003

-Supervised house parents and relief staff.

-Case Manager to at risk youth and foster children.

-Attended court hearings to report progress and testify.

-Developed treatment plans for families of foster children or at-risk families.

Henderson Mental Health- Youth Case Manager

Ft. Lauderdale, FL

June 2001- December 2001

-Developed treatment plans for at-risk children and families.

-Attended court hearings

-Facilitated meetings between all agencies involved in cases.

Town of Salisbury, MA- Police Officer

Salisbury, MA

August 1995- May 2001

-Patrolman and Crime Scene Technician

-Patrol duties included: mountain bike, foot patrol, Jet Ski, and ATV patrol.

-Worked private details

NFI Alliance House- Assistant Director/Case Manager/Line staff

Stoneham, MA

August 1994- October 1999

-Promoted several times, including to Assistant Director.

-Supervised staff and acted as liaison with state social workers.

-Served as agency trainer in restraint/de-escalation procedures.

-Internal duties included: payroll, staff scheduling, and facility maintenance.

Education:

Bachelor of Science, Criminal Justice

Westfield State College

Westfield, Massachusetts

Minor: Psychology

References: Provided upon request

Alan M. Maguire
15 Lincoln Ave
Salisbury, MA 01952

OBJECTIVE seek position of Special Police Officer, City of Newburyport Police Department

EXPERIENCE

January 2003 To Present **Newburyport police, Newburyport Massachussetts**
Sergeant

- Assigned to Permanent Sergeant responsible for exacting proper performance of police duty from the patrol officer.
- Responsible for insuring compliance with department's rules and regulations.
- Responsible for maintaining a thorough knowledge of the patrol officer duties and responsibilities in order to assist and instruct the patrol officer in the course of my supervision.
- Responsible for the proficiency, discipline, conduct, appearance and strict attention to duty of all officers under my supervision.
- Responsible for Evidence and Property room maintenance and procedures of all property.
- Responsible for the departments Firearms Training and education of all weapons maintained by the Newburyport Police Department.

January 2001 To 2003 **Newburyport police, Newburyport Massachussetts**
Sergeant

- Assigned to Acting Sergeant responsible for exacting proper performance of police duty from the patrol officer.
- Responsible for insuring compliance with department's rules and regulations.
- Responsible for maintaining a thorough knowledge of the patrol officer duties and responsibilities in order to assist and instruct the patrol officer in the course of my supervision.
- Responsible for the proficiency, discipline, conduct, appearance and strict attention to duty of all officers under my supervision.

- Responsible for Field Training and educating all new officers with police procedures, Policy's, Regulations, and all aspects of police enforcement.
-

October 1995
To 2001

Police Department, Newburyport, Massachusetts
Patrolman

- Trained extensively in law enforcement patrol procedures in cruiser, motorcycle and foot patrol as well as dispatch and investigations.
- Field training officer with the responsibilities of training all new members, and retraining senior members.
- Firearms Instructor, training all full and part time police officers.
- Firearms Instructor for 12 gauge Less-Lethal Shotgun.
- Trained in Property and Evidence room management with the responsibilities of all property/evidence brought into the Newburyport Police Station.
- Trained in basic life support, small arms training, human relations within the department and within the community, breathalyzer operation, dopplar radar operation.
- Trained in counter drug investigation and enforcement.
- Also trained and certified as a member of the underwater search and recovery dive team.

- Assigned to Acting Sergeant again from February 2002 to June 2002, when Sergeant Mark Murray was out injured.

March 1994 to
June 1995

U.S. Army, Kirch-Geons, Germany
Criminal Investigation Division

- Assigned to CID (Criminal Investigation Division) working with CID agents as an investigator.
- Responsibilities included all crimes committed of a capital nature and monetary crimes with a value of $1,500.00 and higher.

June 1992 to
March 1994

U.S. Army, Friedberg, Germany
Small Arms Maintenance Technician

- Supervised and Instructed on the care and maintenance of small arms from 50 Cal. Machine guns to M16A2 Rifles.

- Responsibilities also included troubleshooting and repair of all weapons as well as care and maintenance of hundreds of night sight goggles.
- Responsible for accountability of all weapons, ammunitions and night sight equipment under my care.

March 1992
To June 1992

U.S. Army Friedberg, Germany
M1A2 Abrams Battle Tank Technician and Operator

- Troubleshoot, repaired and maintained the 1,500 GTA turbine tank engines.
- Responsibilities also included repair and maintenance of the entire M1A2 battle Tank functions and operating systems.
- Duties required we perform under hostile conditions in hostile areas.

June 1983 to
August 1991

Police Department, Newburyport, Massachusetts
Patrolman

- Duties included routine police patrol by cruiser, motorcycle and foot patrol
- Trained in basic life support, human relations, breathalyzer operator, dopplar radar operator, and physical fitness.

July 1981 to
May 1983

Police Department, Salisbury, Massachusetts
Reserve Patrolman

- Performed all duties required of me as a law enforcement officer.

EDUCATION

November 2000
To 2002

University of Massachusetts, Lowell, Massachusetts.
Working toward Master degree in Criminal Justice.

June 2000

Western New England College, Springfield Massachusetts.
Bachelor of science in Criminal Justice.

POLICE EDUCATION

Dec.	1981	Reserve / Intermittent Police Academy, Topsfield, MA.
Apr.	1984	Doppler Radar Operation Training.
Dec.	1984	Framingham State Police Academy, MCJTC.
Apr.	1985	Motorcycle Operations and Enforcement, MDC Police
Apr.	1987	In Service Specialized Training, MCJTC.
Jun.	1989	Infrared Breath Test Requalification, MCJTC.

Aug.	1994	Military Police Counterdrug Investigation School, U.S. Army.
Mar.	1996	Somerville Police Academy, MCJTC.
Mar.	1996	D.W.I Detection and Standard Filed Sobriety Test School.
Sept.	1996	Police Traffic Radar Operation School.
Mar	1997	Atlantic Dive School Open Water Dive training.
Jun.	1998	Community Policing School.
Aug.	1998	Firearms Instructor Development Course.
Mar.	1999	LEAPS/CJIS Training and Policies and Procedures.
Apr.	1999	Field Training Officers Course, MCJTC.
Oct.	1999	Glock Firearms Armorer Course.
Nov	1999	Automobile Insurance Fraud Bureau Investigations
Dec.	1999	Officers Survival 2000 Course, Smith & Wesson Academy.
Jan.	2000	Basic LIDAR Operator course.
May.	2000	Firearms Instructor Course, MCJTC.
Nov.	2000	NEOA Criminal Investigation School, Springfield, MA.
Mar	2001	Advanced Firearms Enforcement
Aug	2001	Less-Lethal 12 Gauge Shotgun Instructor course
Apr	2002	Property and Evidence room Management course
May	2002	Introduction to Patrol Rifle Course

MILITARY

September 1991
To June 1995

United States Army, M1A2 Abrams Battle Tank System Technician and Operator. Attained the rank of Specialist (E4) and specialized in other fields as CID Investigator and Unit Armorer. I received various awards and commendations for my service and leadership. Veteran of the Gulf War.

PERSONAL

I have been married for twenty one years to Sherri and we have two sons Christopher and Ryan.

EXTRACURRICULAR ACTIVITIES

- I have held the positions of Union President Union Vice President, Treasurer and Steward several times in the past. I have stayed active in the union for nineteen years
- I was the Treasurer of the Newburyport Police Association and Foundation for three years. I am currently active and assist in many of the programs conducted by the Association and Foundation.
- I am also in charge of maintaining and updating all business files in our station computers.

- I maintain records in the departments property and evidence room for all property brought to the station and held either for lost, stolen or evidence.
- I am an active member to the Massachusetts Police Association.
- Past member to the Blue Knights and the Lions Club.
- Active in coaching youth football for over seven years
- Active in community activities
- I stay active in physical fitness.

REFERENCES

Excellent references furnished upon request.

Re-Appointment #5
Sept. 9, 2013

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
2013 AUG 12 A 9:32

To: President and members of the Members of the City Council

From: Donna D. Holaday, Mayor

Date: August 12, 2013

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following individual as Treasurer/Collector. This term will expire August 30, 2016.

Julie Languirand
13 Cushing Street
Salisbury, MA 01952

END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

CITY CLERK'S OFFICE
NEWBURYPORT, MA
2013 SEP -3 A 11:41

PROCLAMATION

WHEREAS, Young people under age 18 comprise 20% of Newburyport's population; representing tomorrow's leaders, parents and entrepreneurs, who need to be equipped with the skills, and values to be part of a vital workforce which this State's future growth and success depend; and,

WHEREAS, Evidence from research supports positive youth development principles and strategies for maximizing the strengths and potential of today's youth's health and education; and,

WHEREAS, There is a growing need to move away from traditional risk-reduction and categorical approaches moving toward cross-system partnering and positive youth development approaches; and,

WHEREAS, Positive youth development approach is "asset" focused: viewing youth as promising resources, to be understood and developed rather than problems to be fixed; and,

WHREAS, Positive youth development approach provides a framework to prevent unhealthy, risky behaviors, improve the health and well-being of all youth regardless of race, ethnicity and status in the community, including those with special needs; and,

WHEREAS, Newburyport has established the **BEACON** Coalition to be a community that welcomes values and empowers youth through meaningful opportunities and a collaborative effort to support and strengthen youth assets; and,

WHEREAS, All Newburyport residents share a responsibility to love, value nurture, listen and encourage youth and therefore fitting to support the goals of this observance which seeks to ensure the future of our youth, promoting their development into productive, healthy citizens who will contribute in positive ways to our society.

NOW THEREFORE, I Donna D. Holaday, Mayor of the City of Newburyport, do hereby proclaim September as **YOUTH DEVELOPMENT MONTH** in the City of Newburyport.

Given under my hand and seal this Twenty Ninth
Day of March in the year Two Thousand and Ten

Donna D. Holaday

Donna D. Holaday, Mayor

TRANSFERS

Transfer #1
Sept. 9, 2013

City of Newburyport
FY 2014
BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2013 AUG 27 P 3:44

Department: Mayor
Submitted by: Mayor Donna D. Holaday **Date :** 8/27/2013

Transfer From:

Account Name	Gen. Admin.- Compensated Abs	YTD Bal:	$ 390,810.00
Account Number:	01129007-57811	Trans In:	$ -
Amount:	$390,810.00	Trans Out:	$ -

Why are Funds Available: *Funds were budgeted for payment of compensated absences for employees leaving City employment, in accordance with contractual agreements.*

Transfer To:

Account Name	RSV Compensated Absences	YTD Bal:	$ -
Account Number:	8270-50000	Trans In:	$ -
Amount:	$390,810.00	Trans Out:	$ -

Why are Funds Required: *This special reserve fund was established by the City Council to pay City employees for compensated absences upon separation from employment, in accordance. with contractual agreements. Funds remain in this account and can not be used for other purposes unless approved by the City Council.*

Transfer To:

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

Why are Funds Required:

Donna D. Holaday, Mayor — Donna D Holaday — Date: 8/27/13
William B. Squillace, Auditor — Date: 8/27/13
City Council Approval: (Stamp)

COMMUNICATIONS

The Black Dog

19 Water Street

Newburyport, MA 01950

978-462-3888

newburyportgs@theblackdog.com

Communication #10
Sept. 9, 2013

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2013 AUG 22 P 12: 16

To whom it may concern:

We at The Black Dog have partnered with "One Tail At A Time" (local dog shelter) and would like to hold a very small scale dog walk on Sept., 14, 2013 (rain date 9/15/13).

Where this is our 1st dog walk, we aren't sure exactly how many walkers /dogs will show up. We are hoping that each walker will make a donation toward the shelter.

The walk will start & end at the Black Dog, with a small display of dogs that are up for adoption back at the store.

Please feel free to contact myself should you have any questions or concerns regarding this walk.

Thank you,

Marilyn Manning

Marilyn Manning

The Black Dog, Manager

19 Water St., Newburyport MA 01950

978-462-3888

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2013 AUG 22 P 12: 16

STARBOARD GALLEY
Casual Waterfront Dining
Fresh Seafood – Open 7 Days
Indoor/Outdoor Dining
Open Lunch & Dinner
On the Parking
www.starboardgalley.com
53 Water Street 978.462.3146
S3

Waterfront Coffeehouse
Specialty Coffees
Relaxing Atmosphere
Sandwiches & Smoothies
Scones & Sweets
Patio Seating ~ WiFi
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01

The Pearl in the Crown
A Classic Sweet & Indian Cuisine
Lunch & Dinner Full Bar
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www.newburyportnevel.com
N5

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R3
GREATER BOSTON RUNNING COMPANY
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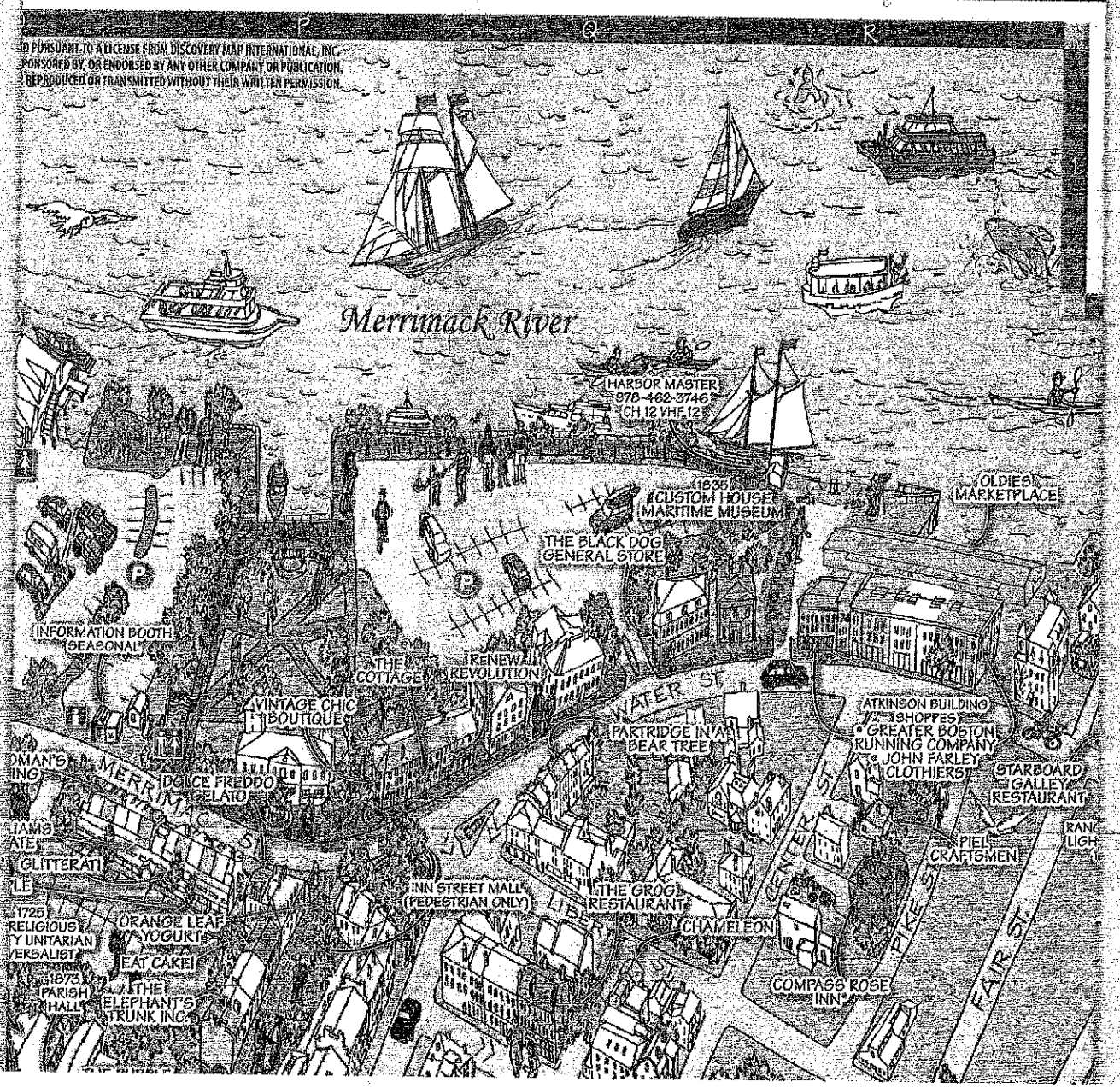

APPOINTMENTS
SECOND READING

MAYOR'S APPOINTMENTS
September 9, 2013
SECOND READING

Appointment

1.	TABLED Paul Hogg	4 Coltin Dr.	Newburyport Shellfish Constable	July 1, 2016

In City Council July 8, 2013
Motion to approve the Consent Agenda as amended by Councillor Jones, seconded by Councillor Earls. So voted.

In City Council August 12, 2013
Motion to approve 2nd reading by Councillor Jones, seconded by Councillor Cameron. Motion withdrawn. Motion to table by Councillor Jones, seconded by Councillor Connell. Roll call vote. 8 yes, 1 no (Heartquist), 1 present (Hutcheson), 1 absent (Derrivan).

Appointment

2.	Jennifer Wilson	11 Center Street	Cultural Council	August 30, 2016
3.	Ellen Burke Hart	8 Harrison Street	Cultural Council	August 30, 2016

Re-Appointment

4.	Justin Dutcher	45A Washington St.	Harbor Commission	September 1, 2015
5.	James Cassidy	72 Spring Street	Sealer of Weights and Measures	

In City Council August 12, 2013
Motion to approve the Consent Agenda as amended by Councillor Jones, seconded by Councillor Cameron. So voted.

ORDERS

Order #1
Sept. 9, 2013

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
2013 AUG 22 A 9:57

August 21, 2013

Dear President O'Brien and City Councilors:

This letter is to inform you of my veto of the Order of August 12, 2013 regarding the use of the name "City of Newburyport" with respect to the approval of plans, events, or organizations without the endorsement of the City Council by majority vote.

The reasons for my veto are as follows. First, is the over breadth of this order. As written, it would appear to prevent the Mayor or Planning Department of the City from expressing a position regarding a plan or program submitted to those offices for consideration. As such, this order may intrude into the executive authority of the mayor and the administration of the City.

I bring to your attention the provisions of M.G.L. c. 268 s.35, which states as follows:

"Whoever, without being duly authorized thereto, prints, stamps, engraves or affixes, or causes to be printed, stamped, engraved or affixed to any paper or other article a representation of the seal of a town in the commonwealth, with intent to give to such paper or article an official character which it does not possess, or, without being duly authorized thereto, and with intent to assume an official character which he does not possess, casts, stamps, engraves, makes or has in his possession a badge or thing in the likeness of an official badge of a police officer, member of a fire department, or other officer appointed by a town in the commonwealth, or by any department of such town, shall be punished by a fine of not more than fifty dollars."

This statute prohibits the unauthorized use of the City seal or any other official representation of the City without authorization. This order is, therefore, unnecessary.

Secondly, there is the issue of enforcement. The name of the City itself is a matter of public domain. With respect to the order as issued by the Council, enforcement of the prohibition would be very difficult unless a usage is found to violate the provisions of the statute above. There may also be usage consistent with common usage of the City name or may be an action of the administration in the ordinary course of business. An effort by a group or individual to misuse the name of the City with respect to the promotion of an activity or event, with the suggestion that such activity or event is sponsored or endorsed by the City, may be subject to action as indicated by M.G.L. In consultation with Kopelman and Paige, our City Solicitor shares my concern that the order as written is vague, overbroad, and unenforceable, and may impact appropriate uses of the City name.

Sincerely,

Donna D. Holaday

Donna D. Holaday, Mayor

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

August 12, 2013

THAT the City of Newburyport hereby refrain from allowing the use name "City of Newburyport" or any similar expression, term or name that may represent or appear to represent City of Newburyport approval, endorsement or support to plans, events, or organizations without the endorsement of the Newburyport City Council by majority vote.

Councillor Robert J. Cronin 8/15/13

In City Council August 12, 2013:
Motion to approve by Councillor Jones, seconded by Councillor Cronin. Roll call vote, 7 yes, 3 no (Heartquist, Cameron, Connell), 1 absent (Derrivan).

Approve: _____ Attest: _____

Donna D. Holaday, Mayor Richard B. Jones, City Clerk

Date: _____

Order #2
Sept. 9, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

September 9, 2013

THAT the City of Newburyport shall hereby refrain from lending, selling, licensing or allowing the use of the Seal of the City of Newburyport or the phrase 'City of Newburyport' to the Newburyport Redevelopment Authority without the approval of a majority of the City Council of the City of Newburyport.

Councillor Robert J. Cronin

Order #3
Sept. 9, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

September 9, 2013

A RESOLUTION TO MARK WORLD CAR-FREE DAY

WHEREAS the City of Newburyport is transit-friendly with biking and walking infrastructure, connected to an accessible multi-modal public transportation regional network; and

WHEREAS a special day to discover the City without a car can build community by educating us about our transportation options, environmental impacts, and other quality of life issues that are within our control; and

WHEREAS World Car Free Day is an annual celebration of cities and public life, free from the noise, stress, and pollution of cars; and it is marked on September 22 in 1,500 cities in 40 countries around the globe to promote the environmental, financial, communal, and health benefits of using public transportation, carpooling, vanpooling, bicycling, walking, and teleworking; and

WHEREAS the Massachusetts Department of Transportation will celebrate Massachusetts Car-Free Week from September 16 – 22, 2013 as an extension of World Car Free Day; and

BE IT RESOLVED the Newburyport City Council commemorates World Car Free Day by declaring Sunday, September 22, 2013 to be "Newburyport Car Free Day" for the second consecutive year and calls for a voluntary pledge from residents to be car-free one or more days every month.

Councillor Ari B. Herzog

Order #4
Sept. 9, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

September 9, 2013

THAT the City Council of the City of Newburyport approve the Preservation Restriction Agreement for the preservation of historic resources at 36 North Atkinson Street, entitled "PRESERVATION RESTRICTION AGREEMENT Between JANET L. MORRIS, F/K/A JANET L. MORELAND, RICHARD C. BATTEN JR. AND PATRICIA A.M. BATTEN and the CITY OF NEWBURYPORT, MASSACHUSETTS, BY AND THROUGH THE NEWBURYPORT HISTORICAL COMMISSION," as approved by the Massachusetts Historical Commission and Newburyport Historical Commission. Further, that the Mayor and City Clerk of the City of Newburyport are hereby authorized to sign said Preservation Restriction Agreement on behalf of the City.

Councillor Brian P. Derrivan

PRESERVATION RESTRICTION AGREEMENT

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2013 AUG 29 A 8:59

Between

JANET L. MORRIS, F/K/A JANET L. MORELAND

RICHARD C. BATTEN JR. AND PATRICIA A.M. BATTEN

and the

CITY OF NEWBURYPORT, MASSACHUSETTS

BY AND THROUGH THE NEWBURYPORT HISTORICAL COMMISSION

THIS PRESERVATION RESTRICTION is made this_____ day of _____ 2013 (this **"Restriction"**) by and between Janet L. Morris, f/k/a Janet L. Moreland, individually and in her capacity as declarant of the 36 North Atkinson Street Condominium (**"Morris"**), with a mailing address of 9 Broad Street, Newburyport, Massachusetts 01950 and Richard C. and Patricia A.M Batten, as owners of Unit 1 (a/k/a "Unit A") of the 36 North Atkinson Street Condominium (collectively, **"Batten"**) (Morris and Batten being collectively, the "**Grantors**" and each individually a **"Grantor"**), and the CITY OF NEWBURYPORT (**"Grantee"**), a municipality duly organized under the laws of the Commonwealth of Massachusetts and located in Essex County, Massachusetts, to be administered, managed and enforced by its agent, the NEWBURYPORT HISTORICAL COMMISSION, located at 60 Pleasant Street, Newburyport, Massachusetts, 01950 (the "**Commission**").

WHEREAS, prior to November 9, 2010, Morris was the owner in fee simple of certain real property located at 36 North Atkinson Street, Newburyport, Massachusetts (hereinafter referred to as the "**Premises**"), described in a deed recorded with the Essex South District Registry of Deeds on June 26, 2007, Book 27069, Page 197(attached hereto as Exhibit A and incorporated herein by reference); and

WHEREAS, Morris submitted the Premises together with the building and improvements erected thereon, and all easements, rights and appurtenances belonging thereto, to the provisions of Massachusetts General Laws, Chapter 183A thereby creating the 36 North Atkinson Street Condominium by Master Deed and Declaration of Trust creating 36 North Atkinson Street Condominium Trust dated November 9, 2010 and recorded with Essex South District Registry of Deeds in Book 29958, Page 148 (collectively the **"Condominium Documents"**) attached hereto as Exhibit B and incorporated herein by reference; and

WHEREAS, on or about November 9, 2010, Morris conveyed title to Unit A of the 36 North

---

Full text available in the City Clerk's office

Order #5
Sept. 9, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

September 9, 2013

THAT the City Council of the City of Newburyport hereby adopt the March 2013 Housing Production Plan (Affordable Housing Plan), as prepared by Karen Sunnarborg Consulting, Abacus Architects + Planners, the Office of Planning & Development, and the Newburyport Affordable Housing Trust, as a guidance document for implementation of affordable housing initiatives in future years.

Councillor Thomas E. Jones
Councillor Barry N. Connell

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

MEMORANDUM

TO: **Honorable members of the City Council**

FROM: **Andrew Port, Director of Planning & Development**

CC: **Donna D. Holaday, Mayor**

RE: **2013 Affordable Housing Plan – Adoption of Final Plan**

DATE: **August 30th, 2013**

The purpose of this communication is to request that the Council adopt the recently completed Newburyport Affordable Housing Plan (Housing Production Plan).

As you know the Office of Planning & Development is responsible for conducting long-range planning studies and preparing comprehensive plans to address city-wide issues in compliance with state standards. During the past year, we worked with the Newburyport Affordable Housing Trust and housing consultants Karen Sunnarborg and Abacus Architects and Planners to create a comprehensive "Housing Production Plan" as required by the Commonwealth of Massachusetts Department of Housing and Community Development (DHCD).

A lengthy process was undertaken to analyze *housing trends* and *affordable housing needs* in Newburyport, as well as to identify *goals and objectives for the creation and preservation of affordable housing* in the future. This process involved much public participation, and a number of meetings with the general public, city officials and key stakeholders. Much of the content and structure of our final Housing Production Plan is mandated by state regulations administered by DHCD.

Attached for your reference is a copy of the executive summary and key excerpts from the Housing Production Plan. In general, the plan recommends that the City of Newburyport undertake the following initiatives during the next five to ten years:

Capacity Building Strategies:

1. Ensure sufficient Professional Support for housing programs and initiatives
2. Conduct ongoing Community Education regarding the importance of affordable housing
3. Increase funding for the Newburyport Affordable Housing Trust programs

Zoning Strategies:

1. Modify the in-law apartment ordinance
2. Pursue a 40R smart growth zoning district
3. Modify Section VI-C of the Newburyport Zoning Ordinance
4. Allow two-family structures in all residential zoning districts
5. Insure inclusion of affordable units in waterfront development
6. Promote mixed-use development in more locations including affordable housing
7. Adopt inclusionary zoning requirements

Housing Development Strategies:

1. Continue to partner with private Developers
2. Continue to make suitable public land available for affordable housing

While we may not complete each initiative recommended in the plan, adoption of the plan signifies that the City is taking a proactive effort to address affordable housing needs. **Formal adoption of the final Housing Production Plan is required by DHCD**, so that the City of Newburyport can take credit for planning activities associated with affordable housing. This, in turn, gives the City broader authority to approve or deny so-called "40B" proposals, wherein a developer who creates some affordable housing units can override local zoning requirements. As the City has less than 10% of year-round housing units classified by the state as "affordable" we are required to create and adopt a Housing Production Plan and to make yearly progress toward the creation of more affordable housing. Most importantly, the Housing Production Plan serves as a guidance document for these efforts during the coming years.

With your adoption of the final plan we will be better prepared to create and preserve affordable housing units within the City of Newburyport. Subsequent approval of the plan by DHCD (for which Council adoption is a prerequisite) will also give us an additional tool in the defense against unwanted 40B proposals from private developers. Attached for your convenience is a draft Council Order for the intended purpose.

Thank you in advance for your consideration and assistance. Please do not hesitate to contact me if you have questions regarding this, or any other, planning initiatives.

Order #6
Sept. 9, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

September 9, 2013

THAT the City Council of the City of Newburyport approves the following Drain Layer / Utility Contractor application for the 2013 construction year:

Kevin J. Greaney Materials & Trucking
107 Amesbury Road
Newton, NH 03858

Councillor Ari B. Herzog
Public Utilities Chairperson

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

2013 AUG 28 A 10: 07

August 28, 2013

To: Richard Jones, City Clerk

Re: Utility Contractor Application

Enclosed is a copy of a new Drain Layer/Utility Contractor application with bond and references to be forwarded to the city council for approval for the 2013 construction year for the contractor listed below:

Kevin J. Greaney Materials & Trucking
107 Amesbury Rd
Newton NH 03858
or
PO Box 244
Newton Junction, NH 03859

Thank you for your attention to this matter.

Very truly yours,

Andrew M. Lafferty
Deputy Director DPS

CC: President of the City Council
Members of the City Council
File

CITY OF NEWBURYPORT
DEPARTMENT OF PUBLIC SERVICES

16A PERRY WAY
NEWBURYPORT, MA 01950

ANTHONY J. FURNARI, DIRECTOR
ANDREW LAFFERTY, DEPUTY DIRECTOR

PHONE: 978-465-4463
FAX: 978-465-1623

Licensed Contractor Application

(This is not a Street Opening / ROW Permit)

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

Name of Company: Kevin J. Greeley Materials & Trucking

Name of Owner: Kevin J. Greeley

Contact Person: Kevin J. Greeley

Street Address: 101 Amesbury Rd City: Newton State: NH Zip Code: 03858

Phone #: 603-394-7004 Cell #: 603-765-8868 Fax #:

Insurance Certificate #: DATED 6/7/2013 Policy Expiration Date: 10/28/2013

Name and Contact Information of Insurer: Foy Ins Exeter NH 603-772-4781

Bond # 61713909 Bond Expiration Date: June 10th 2014

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:

- **Certificate of Insurance incl. Worker's Compensation Insurance Affidavit** (per M.G.L. .c152)
- **$5000 Bond ORIGINAL ONLY** ($10,000 Bond for laying Wire or Conduit)
- **$500 Check non-refundable payable to City of Newburyport** (not required for ROW Occupancy)
- **Minimum 3 Municipal References within the last 5 years** (Renewals do not require references)

Effective Date: June 10th, 2013

Western Surety Company

LICENSE AND PERMIT BOND

KNOW ALL PERSONS BY THESE PRESENTS: Bond No. 61713909

That we, Kevin Greaney

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

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

NOW THEREFORE, if the Principal shall faithfully perform the duties and in all things comply with the laws and ordinances, including all amendments thereto, pertaining to the license or permit applied for, then this obligation to be void, otherwise to remain in full force and effect until June 10th, 2014, unless renewed by Continuation Certificate.

This bond may be terminated at any time by the Surety upon sending notice in writing, by First Class U.S. Mail, to the Obligee and to the Principal at the address last known to the Surety, and at the expiration of thirty-five (35) days from the mailing of said notice, this bond shall ipso facto terminate and the Surety shall thereupon be relieved from any liability for any acts or omissions of the Principal subsequent to said date. Regardless of the number of years this bond shall continue in force, the number of claims made against this bond, and the number of premiums which shall be payable or paid, the Surety's total limit of liability shall not be cumulative from year to year or period to period, and in no event shall the Surety's total liability for all claims exceed the amount set forth above. Any revision of the bond amount shall not be cumulative.

Dated this 11th day of June, 2013.

WESTERN SURETY COMPANY CORPORATE SEAL SOUTH DAKOTA

Principal

Principal

WESTERN SURETY COMPANY

By Paul T. Bruflat

Paul T. Bruflat, Senior Vice President

Form 532-12-2011

WESTERN SURETY COMPANY • ONE OF AMERICA'S OLDEST BONDING COMPANIES

ACKNOWLEDGMENT OF SURETY
(Corporate Officer)

STATE OF SOUTH DAKOTA
COUNTY OF MINNEHAHA } ss

On this 11th day of June, 2013, before me, the undersigned officer, personally appeared Paul T. Bruflat, who acknowledged himself to be the aforesaid officer of WESTERN SURETY COMPANY, a corporation, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as such officer.

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

S. PETRIK
NOTARY PUBLIC
SOUTH DAKOTA
SEAL SEAL

S. Petrik
Notary Public — South Dakota

My Commission Expires August 11, 2016

ACKNOWLEDGMENT OF PRINCIPAL
(Individual or Partners)

STATE OF _____
COUNTY OF _____ } ss

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

My commission expires
_____, _____

_____
Notary Public

ACKNOWLEDGMENT OF PRINCIPAL
(Corporate Officer)

STATE OF _____
COUNTY OF _____ } ss

On this _____ day of _____, _____, before me personally appeared _____, who acknowledged himself/herself to be the _____ of _____, a corporation, and that he/she as such officer being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing the name of the corporation by himself/herself as such officer.

My commission expires
_____, _____

_____
Notary Public

Western Surety Company

License or Permit No. _____

LICENSE AND PERMIT
BOND
As _____

of _____

State of _____

Name of Applicant _____

Address _____

Filed _____, _____

Approved this _____

day of _____, _____

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

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

Paul T. Bruflat of Sioux Falls,
State of South Dakota, its regularly elected Vice President,
as Attorney-in-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One Street Opening City of Newburyport

bond with bond number 61713909

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

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

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

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its Vice President with the corporate seal affixed this 11th day of June, 2013.

ATTEST

L. Nelson
L. Nelson, Assistant Secretary

WESTERN SURETY COMPANY

By Paul T. Bruflat
Paul T. Bruflat, Vice President

WESTERN SURETY COMPANY CORPORATE SEAL SOUTH DAKOTA

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 11th day of June, 2013, before me, a Notary Public, personally appeared Paul T. Bruflat and L. Nelson who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Vice President and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the voluntary act and deed of said Corporation.

S. PETRIK
NOTARY PUBLIC
SOUTH DAKOTA
SEAL SEAL
My Commission Expires August 11, 2016

S. Petrik
Notary Public

Form F1975-1-2012

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 6/7/2013

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
Foy Insurance - Exeter
64 Portsmouth Ave
PO Box 1030
Exeter NH 03833

CONTACT NAME: Nancy Bird CISR ACSR CIC
PHONE (A/C, No, Ext): (603) 772-4781 FAX (A/C, No): (603) 772-3246
E-MAIL ADDRESS: nancy.bird@foyinsurance.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: Concord General Mutual Ins Co	20672
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
Greaney, Kevin
Po Box 244
Newton Junction NH 03859

COVERAGES CERTIFICATE NUMBER: Master 2013 - 2014 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 X CAP PAK GL01013 (1/08) GEN'L AGGREGATE LIMIT APPLIES PER: X POLICY PRO-JECT LOC			E085100-B	10/28/2012	10/28/2013	EACH OCCURRENCE	$ 1000000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 50000
							MED EXP (Any one person)	$ 5000
							PERSONAL & ADV INJURY	$ 1000000
							GENERAL AGGREGATE	$ 2000000
							PRODUCTS - COMP/OP AGG	$ 2000000
								$
A	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS X SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS			20000498	2/23/2013	2/23/2014	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
	UMBRELLA LIAB OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $						EACH OCCURRENCE	$
							AGGREGATE	$
								$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					WC STATU-TORY LIMITS OTH-ER	
							E.L. EACH ACCIDENT	$
							E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Operations usual & customary for Excavation & Snow Removal.
Any Person or Organization including Certificate Holder is additional insured if written signed contract, agreement, or permit to such exists prior to loss subject to form indicated above in General Liability section.

CERTIFICATE HOLDER

kjgreaney@yahoo.com

City of Newburyport MA
60 Plesant Street
Newburyport, MA 01950

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

Michael Foy, CIC/EPAT

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The Commonwealth of Massachusetts
Department of Industrial Accidents
Office of Investigations
1 Congress Street, Suite 100
Boston, MA 02114-2017
www.mass.gov/dia

Workers' Compensation Insurance Affidavit: Builders/Contractors/Electricians/Plumbers

Applicant Information **Please Print Legibly**

Name (Business/Organization/Individual): Kevin T. Conway Motorcycle & Trucking

Address: P.O. Box 2119

City/State/Zip: Nashua NH 03063 Phone #: 603-594-7009

Are you an employer? Check the appropriate box:

1. ☐ I am a employer with _____ employees (full and/or part-time).*
2. ☑ I am a sole proprietor or partnership and have no employees working for me in any capacity. [No workers' comp. insurance required.]
3. ☐ I am a homeowner doing all work myself. [No workers' comp. insurance required.] †
4. ☐ I am a general contractor and I have hired the sub-contractors listed on the attached sheet. These sub-contractors have employees and have workers' comp. insurance.‡
5. ☐ We are a corporation and its officers have exercised their right of exemption per MGL c. 152, §1(4), and we have no employees. [No workers' comp. insurance required.]

Type of project (required):

6. ☐ New construction
7. ☐ Remodeling
8. ☐ Demolition
9. ☐ Building addition
10. ☐ Electrical repairs or additions
11. ☐ Plumbing repairs or additions
12. ☐ Roof repairs
13. ☐ Other Equipment

*Any applicant that checks box #1 must also fill out the section below showing their workers' compensation policy information.
† Homeowners who submit this affidavit indicating they are doing all work and then hire outside contractors must submit a new affidavit indicating such.
‡Contractors that check this box must attached an additional sheet showing the name of the sub-contractors and state whether or not those entities have employees. If the sub-contractors have employees, they must provide their workers' comp. policy number.

I am an employer that is providing workers' compensation insurance for my employees. Below is the policy and job site information.

Insurance Company Name: _____

Policy # or Self-ins. Lic. #: _____ Expiration Date: _____

Job Site Address: _____ City/State/Zip: _____

Attach a copy of the workers' compensation policy declaration page (showing the policy number and expiration date). Failure to secure coverage as required under Section 25A of MGL c. 152 can lead to the imposition of criminal penalties of a fine up to $1,500.00 and/or one-year imprisonment, as well as civil penalties in the form of a STOP WORK ORDER and a fine of up to $250.00 a day against the violator. Be advised that a copy of this statement may be forwarded to the Office of Investigations of the DIA for insurance coverage verification.

I do hereby certify under the pains and penalties of perjury that the information provided above is true and correct.

Signature: [signature] Date: 7/25/2013

Phone #: 603-594-7009

Official use only. Do not write in this area, to be completed by city or town official.

City or Town: _____ **Permit/License #** _____

Issuing Authority (circle one):
1. Board of Health 2. Building Department 3. City/Town Clerk 4. Electrical Inspector 5. Plumbing Inspector
6. Other _____

Contact Person: _____ **Phone #:** _____

Kevin J. Greaney Materials and Trucking
P.O. Box 244
Newton Jct.,N.H. 03859
1-603-394-7004

7/28/2013

To: City of Newburyport
Dept. of Public Services
16A Perry Way
Newburyport,Ma 01950

To whom it may concern;I have sent copies of references.I am bonded for street opening and have conducted and installed sewer,water,drainage,excavation licenses in the City of Amesbury/Town of Merrimac/and Town of salisbury.I have also previously done work in Newburyport prior to the new License process.Thank you

Kevin J Greaney

Dept. of Public Works

Highway, TPC (Tree/Park/Cemetery), Water, Sewer,
Refuse, Recycling & Snow/Ice Divisions

Robert L. Desmarais, P.E., Dir. of Public Works

39 South Hunt Road
Amesbury, MA 01913
Tel.: (978) 388-8116
Fax: (978) 388-1769
rob@amesburyma.gov

April 30, 2013

To whom it may concerned,

Please be advised that Kevin Greaney is bonded and carries the necessary License(s) and has performed Water/Sewer and drainage as well as other construction work within the City limits of Amesbury MA.

Denise Toleos
Administrative Assistant
Department of Public Works
Amesbury, MA 01913

TOWN OF MERRIMAC
DEPARTMENT OF PUBLIC WORKS
2 School St.
Merrimac, MA 01860
978-346-0525

To Whom It May Concern:

I am writing this letter on behalf of Kevin Greaney, who has been a licensed and bonded drain layer the town of Merrimac for the past five or six years. Kevin has always demonstrated the utmost in professionalism and competence with regard to every endeavor that he has done for the community, and it has been a pleasure working with him on many different projects.

It is without reservation that I would personally recommend Kevin to be used throughout your community as I am sure you will find in him the same professionalism, efficiency and willingness to work with others that we have in Merrimac.

Please feel free to call me at 978-290-1400 if you have any concerns, comments or questions.

Thank you.

Sincerely,

Robert Sinibaldi

C.B.O./ DPW Director

Copy
Drain layers
carried under
his

Health Department
5 Beach Rd. Salisbury, MA 01952
Tel. 978.462.3430/ Fax 978.462.4176

YEAR 2013

Permit Number: 2013-13
Issue Date: January 14, 2012

LICENSE FOR DISPOSAL WORKS INSTALLER

This permit is hereby granted by the Commonwealth of Massachusetts and the Salisbury Board of Health.
Some restrictions may apply and are noted.

Name of Establishment: Materials & Trucking / Kevin Greaney

Business Location: 101 Amesbury Road P.O. Box 244 Newton Junction, NH 03859

Restriction(s):

Operating Times:

Approved:

John W. Morris
Regional Health Director

THIS PERMIT EXPIRES:
December 30, 2013

THIS LICENSE TO BE POSTED IN A CONSPICUOUS PLACE.

THIS LICENSE SHALL NOT BE SOLD, ASSIGNED OR TRANSFERRED.

KEVIN J. GREANEY
MATERIALS & TRUCKING
P.O. BOX 244
NEWTON JUNCTION, NH 03859
(603) 394-7004

DATE	INVOICE	AMOUNT

53-7402-2113

8691

PAY Five Hundred & 00/100 DOLLARS

CHECK AMOUNT

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NO.	
7/23/13	City of New Boston	Vending License	8691	$ 500.00

THE PROVIDENT BANK
AMESBURY, MASSACHUSETTS

McBee® One Writes

⑈008691⑈ ⑆211374020⑆ 23 303920⑈

ORDINANCES

2nd Reading
Ordinance #1
Sept. 9, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

April 29, 2013

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

DELETE FROM:

Section 13-176.1 Same—Thirty Minutes

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.

ADD TO:

Section 13-175 - Same—Two hours

No person shall park a vehicle for longer than two (2) hours between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays in the following described streets or parts thereof:

Street	**Extent**
High Street	Northerly side from Ashland Street for a distance northwesterly of approximately 135 feet.

Councillor Richard E. Sullivan, Jr.

In City Council April 29, 2013
Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Derrivan. 10 yes, 1 absent (Heartquist). So voted.

In City Council June 10, 2013
Motion to remove by Councillor Cronin, seconded by Councillor Connell. Motion to approve first reading and order published by Councillor Cronin, seconded by Councillor Sullivan. 9 yes, 2 absent (Hutcheson, O'Brien). So voted.

2nd Reading
Ordinance #2
Sept. 9, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

June 10, 2013

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 4 Stop Intersections

Section 13-136 Designated
The following streets are designated as stop intersections and vehicles traveling thereon shall come to a complete stop before entering such intersections:

Street	Stop Intersections
Goodwin Avenue	Southwest-bound drivers on Goodwin Ave. at the intersection of Union Street

Councillor Allison Heartquist

In City Council June 10, 2013
Motion to refer to Public Safety by Councillor Heartquist, seconded by Councillor Derrivan. Roll call vote, 9 yes, 2 absent (Hutcheson, O'Brien). So voted.

In City Council August 12, 2013
Motion to remove by Councillor Cronin, seconded by Councillor Heartquist. So voted. Motion approve first reading and order published by Councillor Cronin, seconded by Councillor Heartquist. Roll call vote, 10 yes, 1 absent. So voted.

CITY OF NEWBURYPORT

IN CITY COUNCIL

DATE: June 24, 2013

ORDERED:

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
Sec. 13-174: Parking Limited - Generally

ADD:

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

Street	Extent
Hale Street	At the entrances to Little River nature trails between dusk and dawn. Dusk and dawn are defined as civil twilight respectively.

Councillor Robert J. Cronin

In City Council June 24, 2013
Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Derrivan. Roll call vote, 11 yes. So voted.

In City Council August 12, 2013
Motion to remove by Councillor Cronin, seconded by Councillor Cameron. So voted. Motion to approve first reading and order published by Councillor Cronin, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent. So voted.

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

September 9, 2013

AN ORDINANCE TO CREATE AN ORDINANCE ENTITLED ADMINISTRATION

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

Chapter 2	Administration
Article 3	Boards, Committees, Commissions
Division 1	Generally
Section 64	Biannual report to be made

City boards, committees, commissions, and authorities that are established by ordinance or whose members are confirmed by City Council shall make a biannual report to the Council of all matters coming under its jurisdiction.

Councillor Ari B. Herzog

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

September 9, 2013

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED ADMINISTRATION

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

Chapter 2	Administration
Article 4	Officers and Employees
Division 1	Generally
Section 129	Annual departmental report to be made

Each department head shall make a report to the city council on or before June 30th of each year, in accordance with fiscal year budget reviews, of all matters coming under his or her jurisdiction.

Councillor Ari B. Herzog

Ordinance #6
Sept. 9, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

September 9, 2013

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 13-171	Service Areas

Add:

No person shall park a vehicle other than a commercial vehicle used exclusively for loading and unloading for a period of time longer than one-half hour between the hours of 9:00 a.m. and 4:00 p.m. excluding Sundays and holidays in the following designated service zones:

Street	Extent
State	Easterly side in front of the property at 153 - 155 State Street for approximately a distance of 65 feet

Councillor Gregory D. Earls

Ordinance #7
Sept. 9, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

September 9, 2013

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

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

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

Add:

(g) (2) by adding the following streets or portions thereof to Zone 1

State Street - Beginning at 184 State Street and proceeding southerly to the end of said State Street on the westerly side.

Councillor Gregory D. Earls

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED: September 9, 2013

ORDERED:

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

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

Zoning Ordinance Amendment:

Section III-C: Zoning Map

THAT the Zoning Map of said Zoning Ordinance entitled "Zoning Map of the City of Newburyport" be amended pursuant to Section III-D "Changes to Zoning Map" such that the B1 Zone on Storey Avenue be enlarged to include the following four (4) parcels in their entirety:

Parcel 1:	Assessors Map ID:	109-4
	Address:	81 Storey Avenue
	Current Zoning District:	R-2
	Proposed Zoning District:	B-1
Parcel 2:	Assessors Map ID:	109-5
	Address:	83 Storey Avenue
	Current Zoning District:	R-2
	Proposed Zoning District:	B-1
Parcel 3:	Assessors Map ID:	109-7
	Address:	87 Storey Avenue
	Current Zoning District:	R-2
	Proposed Zoning District:	B-1
Parcel 4:	Assessors Map ID:	109-8
	Address:	89 Storey Avenue
	Current Zoning District:	R-2
	Proposed Zoning District:	B-1

Councillor Brian P. Derrivan

Ordinance #9
Sept. 9, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED: September 9, 2013

AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED 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" as follows:

Section IX: Nonconforming Uses, Structures and Lots

Under Subsection IX-B (2)(A), delete the text of subsection (1) in its entirety, and renumber the existing subsection (2) as subsection (1).

Under Subsection IX-B (3), delete the text of subsection (A) in its entirety and replace said text with the following:

(A) General exemption: Pre-existing nonconforming single- and two-family residential structures and uses may be extended or altered, including extensions or alterations which will add a new nonconformity or intensify or extend and existing nonconformity with respect to the lot coverage, height, open space or front, side and rear yard requirements of this ordinance in effect at the time of application therefore, except as provided in subsection C. below regarding structures on lots that are nonconforming for area and/or frontage.

Under Subsection IX-B (3), delete the second sentence of subsection (B) in its entirety and replace said sentence with the following:

"Additionally, any proposed extension or alteration that will add a new nonconformity shall only be permitted by special permit from the board of appeals under Section IX-B (2)(A)."

Councillor Thomas E. Jones
Councillor Barry N. Connell

Ordinance #10
Sept. 9, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED: September 9, 2013

AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED 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" as follows:

Section VI: Dimensional Controls

Under Subsection VI-A "General regulations." add the following new provision as a footnote to the Table of Dimensional Requirements:

L) Notwithstanding any provision to the contrary, within the B-2 (Downtown Business) District, the Zoning Board of Appeals may waive or reduce the dimensional requirements for a Hotel or Inn (Use # 105 and all Accessory Uses in conjunction therewith) or Parking Structure (Parking Garage) (Use # 413B) or Mixed Use (Use # 405) by grant of a Special Permit, issued pursuant to Section X-H(7), without need for a Variance or any other relief, and may allow (a) up to a maximum of 48' in Height, and (b) a minimum of 0' for Front, Side and/or Rear Yard Setback requirements. Before granting the application for a special permit, the Board shall find, in addition to those special permit findings set forth in Section X-H(7), that the issuance of a Special Permit for the requested dimensional relief will (as applicable): (i) allow a Building Height that is designed to be generally compatible with the height of other buildings within Downtown Newburyport and/or the surrounding streetscapes; (ii) allow a reduced or zero-lot-line setback that is generally compatible with the setbacks of historic buildings in Downtown Newburyport and/or the surrounding streetscapes; or (iii) not impair the integrity or character of the District, nor be detrimental to the public health or welfare.

Councillor Thomas E. Jones
Councillor Barry N. Connell

Ordinance #11
Sept. 9, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

September 9, 2013

AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED 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" as follows:

Section II: Definitions

Under 23 (Lot, corner.) delete the following text:

> *Corner Lot Diagrams:*
>
> *A corner lot has two front lot lines. The front lot line of greater length shall be known as the primary front lot line. When a corner lot has front lot lines of equal length, the owner shall designate a single front lot line as the primary front lot line, on the applicable plan and/or application. This shall be known as the primary front lot line.*

and replace said text with the following:

> *Corner Lot Diagrams:*
>
> *A corner lot has two front lot lines. The primary lot line shall be determined by the street address of the property.*

Councillor Brian P. Derrivan

Ordinance #12
Sept. 9, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

September 9, 2013

AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED 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" as follows:

Section XX: Personal Wireless Communication Services

Under Subsection XX-G (Types prohibited; location), delete the words "districts: 11, and 12" from the last sentence, and replace said words with the words "I1, and I2."

Councillor Thomas E. Jones
Councillor Barry N. Connell

Ordinance #13
Sept. 9, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

September 9, 2013

ORDERED:

AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED 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" as follows:

Section III: Establishment of Districts

Under Subsection III-A (Establishment of districts), change the word "districts" to "districts and overlay districts," change "M-1" to "M (GACM)," and add the following listed zoning districts and zoning overlay districts, along with the accompanying footnotes:

Federal Street Overlay District	FSOD
IB-Residential Overlay District**	IB-ROD
Plum Island Overlay District	PIOD
Towle Complex Redevelopment Overlay District	TCROD
Waterfront West Overlay District	WWOD
Water Resource Protection District*	WRPD

* Includes surface water zones A, B, and C, as well as groundwater zones I and II, as further described in Section XIX (Water Resource Protection District), Subsection XIX-C (Definitions).

** See Section XIV (Open Space Residential Development) Subsection XIV-B (Applicability) Subsection b. (Zoning classification) for a description of this industrial district overlay.

Councillor Thomas E. Jones
Councillor Barry N. Connell

Ordinance #14
Sept. 9, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED: September 9, 2013

AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED 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" as follows:

Section XXI: Plum Island Overlay District

Under Subsection XXI-I (Unconstructed ways), delete the words "No building permit shall be issued for a lot with frontage an unconstructed way" and replace said words with "No building permit shall be issued for a lot with frontage on an unconstructed way".

Councillor Thomas E. Jones
Councillor Barry N. Connell

COMMITTEE ITEMS

B&F Committee & the whole

CITY OF NEWBURYPORT

IN CITY COUNCIL

June 10, 2013

ORDERED:

THAT the City Council, having reviewed funding recommendations of the Community Preservation Committee, voted to appropriate or reserve a total of $928,506.25 from Community Preservation Fund Revenues for the projects, in the amounts, in the categories, and subject to the conditions described in the document entitled, "Newburyport Community Preservation Committee Recommendations for FY14 Appropriations and Reservations," incorporated by reference into this Order.

No.	Project Title	Requested Amount	Category	CPC To Recommend
1	Rail Trail, Phase II	$200,000	Open Space/Recreation	$100,000
2	Housing Rehab	$125,000	Community Housing and Historic Resource	$75,000
3	Affordable Housing Trust	$200,000	Community Housing	$75,000
4	Joppa Park Renovation, Phase II	$40,000	Open Space/Recreation	$20,000
5	Cherry Hill Soccer Field	$200,000	Recreation	$50,000
6	Atwood Park Improvement	$40,000	Recreation	$20,000
7	Kelleher Park Playground	$6,000	Recreation	$6,000
8	Bartlett Mall	$12,900	Historic Resource/Recreation	$12,000
9	Open Space Reserve	$100,000	Open Space	$50,000
10	NBPT High School Phase I & II	$250,000	Historic Resource	$150,000
11	National Register Signage	$6,500	Historic Resource	$6,500
12	Little River Trail Kiosks	$8,000	Recreation	$8,000
13	Historic Landscape Preservation at Atkinson Common	$36,630	Historic Resource	$20,000
14	City Hall Debt Payment	$195,187.50	Historic Resource	$195,187.50
15	Open Space Debt Payment	$128,818.75	Open Space	$128,818.75
16	FY 14 Administrative Costs	$12,000.00	Administrative Expenses	$12,000.00
			Total Expenditure	$928,506.25

Councillor Barry N. Connell

NEWBURYPORT COMMUNITY PRESERVATION COMMITTEE
RECOMMENDATIONS FOR FY14 APPROPRIATIONS AND RESERVATIONS

The Newburyport Community Preservation Committee recommends that the City Council appropriate or reserve $928,507 from Community Preservation Fund Revenues for the projects, in the amounts, in the categories, and subject to the conditions hereinafter described.

The following CONDITIONS are common to all recommended projects:

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

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

C. Full funding is conditioned upon the receipt of state matching funds, estimated to be 26.83% of local revenue, expected in October 2013.

Attached are:

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

Estimated Community Preservation Fund Revenues available for appropriation or reservation in FY 2014 total approximately $955,911. This figure includes estimated receipts of the local CPA surcharge during fiscal year 2014, accumulated interest, the anticipated 26.83% state matching funds to be received in October 2013, current uncommitted funds and returned funds from completed and closed-out projects.

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

Respectfully submitted by:

Community Preservation Committee Members

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

Summary of FY 2014 Community Preservation Committee Recommendations

No.	Project Title	Requested Amount	Category	CPC To Recommend
1	Rail Trail, Phase II	$200,000	Open Space/Recreation	$100,000
2	Housing Rehab	$125,000	Community Housing and Historic Resource	$75,000
3	Affordable Housing Trust	$200,000	Community Housing	$75,000
4	Joppa Park Renovation, Phase II	$40,000	Open Space/Recreation	$20,000
5	Cherry Hill Soccer Field	$200,000	Recreation	$50,000
6	Atwood Park Improvement	$40,000	Recreation	$20,000
7	Kelleher Park Playground	$6,000	Recreation	$6,000
8	Bartlett Mall	$12,900	Historic Resource/Recreation	$12,000
9	Open Space Reserve	$100,000	Open Space	$50,000
10	NBPT High School Phase I & II	$250,000	Historic Resource	$150,000
11	National Register Signage	$6,500	Historic Resource	$6,500
12	Little River Trail Kiosks	$8,000	Recreation	$8,000
13	Historic Landscape Preservation at Atkinson Common	$36,630	Historic Resource	$20,000
14	City Hall Debt Payment	$195,187.50	Historic Resource	$195,187.50
15	Open Space Debt Payment	$128,818.75	Open Space	$128,818.75
16	FY 14 Administrative Costs	$12,000.00	Administrative Expenses	$12,000.00
			Total Expenditure	$928,506.25

PROJECT NO. 1
CLIPPER CITY RAIL TRAIL AND HARBORWALK, PHASE II

The CPC recommends the appropriation of $100,000 to the City of Newburyport's Office of Planning and Community Development to complete the preliminary design phase and enter into the construction engineering phase of Phase II of the project, which encompasses the area from the eastern edge of the waterfront to Parker Street in Newbury.

The CPA category for this appropriation is Recreation and Open Space.

Project Summary
The City of Newburyport has been working on the Clipper City Rail Trail for well over a decade, but conversion of the old Eastern Line railroad corridor into a multiuse, recreation trail was finally completed 2010. This first phase of the Rail Trail Project now allows people to walk, run and bike between the commuter rail station and the Merrimack River.

Phase II of the Rail Trail will extend 1 ½ miles between the eastern edge of Newburyport's central waterfront and Parker Street in Newbury, travelling along the shoreline of the Merrimack River, through the South End residential neighborhood, and through a woodland. The trail will primarily run along the corridor of the old City Branch Rail Line. This funding will support the completion of the design phase, which involves permitting, consultation with abutters and the public, negotiation with National Grid, design, specifications and cost estimates and develop a "shovel-ready" project.

PROJECT NO. 2
NEWBURYPORT HOUSING REHABILITATION PROGRAM

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

The CPA category for this project is Community Housing and Historic Preservation.

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

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

PROJECT NO. 3
NEWBURYPORT AFFORDABLE HOUSING TRUST

The CPC recommends the appropriation of $75,000 to the Newburyport Affordable Housing Trust (the "Trust") to preserve, create, and support affordable housing opportunities throughout the City.

The CPA category for this project is Community Housing.

Project Summary
The recommended funding will support CPA-eligible activities of the Trust. The Trust has undertaken two major initiatives with its past Community Preservation grants. First, the Trust designed and implemented the Down Payment Assistance and MLS Input Only Listing Services Programs in a targeted effort to retain the city's existing affordable housing inventory. Second, the Trust completed a comprehensive planning exercise to study the city's housing needs and develop policies, projects, initiatives and regulatory changes that were incorporated into the City's Housing Production Plan (the "Plan"), that, once accepted by the City, will help guide housing efforts over the next five years.

This funding will support the Trust's efforts in beginning to implement the strategies and goal identified in the Plan as well as create a subsidy program for private developers who want to incorporate an affordable unit(s), but are restricted due to the high costs associated with developing housing. This new program will enable the Trust to provide a forgivable loan in an amount that is meaningful to the project, likely to be in the $50,000 range, to a developer in return for a deed restricted, affordable unit within his/her project that can be listed on the State's Subsidized Housing Inventory and officially counted towards Newburyport's affordable housing stock.

PROJECT NO. 4
JOPPA PARK RENOVATION, PHASE II

The CPC recommends the appropriation of $20,000 to the City of Newburyport to support the Newburyport Parks Commission continued work on the ongoing Joppa Park renovation. This phase will focus on critically needed improvements to infrastructure bordering the seawall, including the walkway and amenities at the walkway's edge.

The primary CPA category for this project is Recreation.

Project Summary
Phase I of the Joppa Park Renovation Project, completed in Spring 2012, included the installation of a granite bollard and chain fence accompanied by a rose hedge along Water Street with four cobblestone pedestrian entry points leading from the Water Street sidewalk to the park. Phase II will involve the replacement of the badly damaged and unsafe asphalt walkway along the sea wall with sand colored concrete. The walkway, which is prone to sinkholes as a result of tidal activity that draws out subsurface material, will be fortified beneath its subsurface to remove the threat of future sinkholes. Additionally, Phase II will include the replacement of the lawn with low-maintenance turf-grass, the addition of new plantings, the reconfiguration of the parking area so that it is more visually-pleasing and safer for pedestrians, the installation of two, new water fountains, and the replacement of the old, warped benches with new, handicap-accessible ones. High quality interpretive panels that bring to life the history of Joppa are in the design phase and are expected to be installed in summer 2013.

PROJECT NO. 5
CHERRY HILL SOCCER FIELD

The CPC recommends the appropriation of $50,000 to Newburyport Youth Soccer Association (NYSA) to redesign and improve "Parcel B" at the Cherry Hill Soccer Park. The re-design will address the parking issues and transform the open space area into another high quality soccer field to accommodate future growth of the NYSA. While its use will be primarily focused on youth soccer, the field will continue to be available for other activities including Special Olympics and High School soccer.

The CPA category for this project is Recreation.

Project Summary
Due to the significant growth of its league, NYSA has been using an open space area (Parcel 'B') adjacent to the existing soccer field (Parcel 'C') at Cherry Hill NYSA Soccer Park as a practice field. Currently, Parcel 'B' is being used as both a parking lot and a practice field; its surface is uneven and marred with tire tracks. The turf is a combination of crabgrass, grass and weeds where a player could easily be injured. The area is not suitable for use as a practice field, nor as a parking lot.

The NYSA and the Newburyport Parks Commission have initiated a private/public collaboration to re-design Cherry Hill NYSA Park. Along with other fundraising efforts, CPA funding will support the design, construction, management and oversight during construction and maintenance following construction. Field use will not be exclusive to NYSA, but the organization will have first priority given their substantial commitment. The two groups envision a proposed license agreement similar in terms and conditions to the current license agreement between the City of Newburyport and NYSA for the current field at Cherry Hill NYSA Park on Daniel Lucy Way.

PROJECT NO. 6
ATWOOD PARK IMPROVEMENT

The CPC recommends the appropriation of $20,000 to the Newburyport Parks Commission on behalf of the Friends of Atwood Park to be used for the repair or replacement of damaged areas and to provide additional forms of recreation at Atwood Park, located in Newburyport's South End between Atwood and School Streets. The park is under the care and custody of the Newburyport Parks Commission.

The CPA category for this project is Recreation.

Project Summary
Atwood Park is the only open space available to the residents of this South End neighborhood. This project's mission is to improve the poor conditions of the park and provide the locals with a more enjoyable place for recreation.

The recommended grant would offset costs to complete the following projects:

- Repave the former tennis court and paint the surface with games and activities,
- Replace the chain link fence,
- Repair the damaged brick retaining wall, and
- Improve and add other park amenities such as backgammon/chess tables, a concrete table tennis table, add trees and replace the fence along the School Street side and recondition the turf and improve soil conditions.

PROJECT NO. 7
KELLEHER PARK PLAYGROUND

The CPC recommends the appropriation of $6,000 to the Central Congregational Church for the purchase, installation and donation of playground equipment, benches and picnic tables at Kelleher Park.

The CPA category for this project is Recreation.

Project Summary
Kelleher Park is a property owned by the Newburyport Housing Authority. It provides subsidized housing to 42 low-income families. In 2010, the 25-year-old playground equipment was deemed unsafe and was removed from the property. In the three years that have passed, there has been no equipment, no picnic tables and no park benches in Kelleher Park.

The CPA funds, when combined with the applicants' extensive private fundraising efforts, will be used for the purchase and installation of playground equipment, benches and picnic tables at the park. The project will meet the need for playground equipment for the 43 children that live at Kelleher Park and an additional 130 low-income children that attend the Newburyport schools who are eligible for, and potentially would, participate in academic support and recreational programming offered by the Newburyport Learning Enrichment Center located at Kelleher Park.

PROJECT NO. 8
FROG POND RESTORATION AT THE BARTLET MALL

The CPC recommends the appropriation of $12,000 to the Bartlet Mall Commission to install four underwater aerators in the Frog Pond to increase the pond's oxygen levels, reduce the high levels of algae growth and further purify the water without the use of chemicals.

The CPA category for this project is Historic Resource and Recreation.

Project Summary
The Bartlet Mall is visited by thousands of people year-round. The Frog Pond, at the center of the park, is an ancient kettle hole left behind by the glaciers. Unfortunately, though named "Frog Pond" there are no frogs living in it due, in part, to high level of algae. To address low oxygen levels and help reduce the algae, the Frog Pond needs to aeration. The CPA funding will support the following:

- The purchase and installation of four underwater aerators with a small compressor (there will be no visible display of the functioning aerators);
- The purchase of a pump and new piping to bring the fountain up to full working capacity, which will further aerate the pond;
- The repair and refinishing of the 32 benches at Bartlet Mall; and
- The planting of hearty dwarf lavender at the base of the flagpole and at the George Washington statue.

PROJECT NO. 9
OPEN SPACE RESERVE

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

The CPA category for this reservation is Open Space.

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

PROJECT NO. 10
EXTERIOR WOODWORK RESTORATION, PHASES I & II
AT
NEWBURYPORT HIGH SCHOOL

The CPC recommends the appropriation of $150,000 to the Newburyport Public Schools for Phase I and II of exterior woodwork rehabilitation project with the following condition:

- The Chair of the Newburyport Historical Commission shall review and approve the Request for Proposals (RFP) prior to its issuance.

The CPA category is Historic Resource.

Project Summary
This project will rehabilitate and restore the exterior woodwork on the historic Newburyport High School. Age and exposure to weather have caused a variety of issues with the exterior woodwork, necessitating a well-planned historic restoration guided by *The Secretary of the Interior's Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.*

The project is divided into four phases. The CPA funding will be combined with a School Department budget item of $80,000 to accomplish the first two phases of the project, which focus on the front façade of the structure. The north-facing façade is not only the most prominent portion of the building, but it is also the most urgent in need of rehabilitation and restoration.

PROJECT NO. 11
NEWBURYPORT NATIONAL REGISTER OF HISTORIC PLACES SIGNAGE

The CPC recommends the appropriation of $6,500 to the Newburyport Preservation Trust for the design, manufacture and installation of five signs at gateway entries into the Newburyport Historic District.

The CPA category is Historic Resource.

Project Summary
CPA funding, which represents half of the project cost with the remaining funds coming from a private donor, will be used to create and install the five gateway signs. Each sign will announce the assignment of the district by the Secretary of the Interior with a declaration to residents and visitors alike that they are entering a National Register of Historic Place. The proposed locations, subject to approval by the City Council are:

- The eastern side of High Street at the Newbury border;
- The western side after the three-corner intersection at the start of High Street;
- The intersection of Water and Union Streets;
- On Merrimac Street, just before Ashland Street; and
- On State Street, just to the north of Oak Hill Cemetery.

PROJECT NO. 12
LITTLE RIVER NATURE TRAIL KIOSKS

The CPC recommends the appropriation of $8,000 to the Parker River Clean Water Association for the design, manufacture and installation of two kiosks to be placed at the entrances to the Little River Nature Trail to provide a source of information that visitors can consult before entering the habitat area.

The CPA category is Recreation.

Project Summary
In 2001, the Parker River Clean Water Association (PRCWA) proposed and received permission from the Newburyport Mayor, City Council and Conservation Commission to construct a nature trail on land donated to the City by Mass Highway. This land was to be used for observation, exercise, jogging and cross-country skiing in the winter. The purpose was to provide both residents and tourists an opportunity to explore and enjoy this relatively wild area so close to a densely developed area. It roughly follows the Little River, which is a major tributary to the Parker River and contributes to the well-being of the Common Pasture and the Great Marsh.

The Little River Nature Trail is over a mile of interesting terrain through meadows, forests and wetlands. Many visitors are hesitant to travel the trails because they are uncertain to what extent the commitment is required to traverse the entire length. By having an informative central location where a Plexiglas enclosure can be on display will provide the necessary information and maps.

PROJECT NO. 13
HISTORIC LANDSCAPE PRESERVATION AT ATKINSON COMMON

The CPC recommends the appropriation of $20,000 to the Belleville Improvement Society to further implement their 2010 "Urgent Tree/Shrub Care and Replacement Project" to ensure the longevity of the existing trees and adopt a method of replacement for the portions that have been lost due to recent extreme weather events.

The CPA category is Historic Resource.

Project Summary
The Belleville Improvement Society's 2010 study documented the necessity of preventative cabling, fertilizing and pruning of the impressive stand of Heritage Trees within the park. In the absence of this proactive arboriculture, the park continues to lose portions of the Pinetum; most recently, during the "Blizzard of 2013", the park sustained substantial damage once again.

CPA funding will be used to address priority action items to repair damaged trees and to prevent further damage from weather events and from pests. Preservation, restoration and repair of this historic resource are paramount to the continued use and enjoyment of this property on a cultural, recreational, artistic, athletic and educational basis.

PROJECT NO. 14
CITY HALL BOND DEBT PAYMENT

The CPC recommends the appropriation of $195,187.50 to the City of Newburyport for the seventh annual payment of interest and principal on the City Hall Restoration Bond.

The CPA category is Historic Preservation.

Project Summary

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

PROJECT NO. 15
OPEN SPACE ACQUISITIONS BOND DEBT PAYMENT

The CPC recommends the appropriation of $128,818.75 to the City of Newburyport for the seventh annual payment of interest and principal on the Open Space Acquisitions Bond.

The CPA category is Open Space.

Project Summary

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

PROJECT NO. 12
CPA ADMINISTRATIVE COSTS

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

The CPA category for this appropriation is Administration.

COMMUNITY PRESERVATION COMMITTEE

EVALUATION CRITERIA

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

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

CATEGORY SPECIFIC CRITERIA

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

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

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

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

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

Order #1
May 14, 2012

Gen Gov.

CITY OF NEWBURYPORT

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2012 MAY -7 A 10: 00

IN CITY COUNCIL

ORDERED:

Date: May 14, 2012

THAT the City Council hereby orders that the City of Newburyport shall post on its website in an accessible place the Campaign Finance Reports-Municipal Forms which are submitted by candidates for Mayor, City Council, and School Committee. The Reports to be posted shall include the current year and the previous three years.

Councillor Edward C. Cameron

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

DATE: May 28, 2013

AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED PERFORMANCE OF DUTIES OF MAYOR

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

Chapter 2: Administration
Article II: City Council
Sec. 2-30: Performance of duties of mayor upon absence, disability

Delete Sec. 2 – 30

Insert a new Sec. 2 - 30

Sec. 2-30. - Performance of duties of mayor upon absence, disability.

If the mayor is absent or unable, by reason of sickness, disability, absence from the city or other cause, to perform duties of the office, the president of the city council shall be the acting mayor and perform said duties, in accordance with section 3-8 of the Charter.

Councillor Thomas F. O'Brien
Councillor Richard E. Sullivan, Jr.

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GE
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Ordinance #5
May 28, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED: DATE: May 28, 2013

AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED SPECIAL MEETINGS

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

Chapter 2: Administration
Article II: City Council
Sec. 2-29: Special Meetings

Delete Sec. 2 – 29

Insert a new Sec. 2 - 29

Sec. 2-29. - Special meetings.

(a) Special meetings of the city council shall be held at the call of the president or at the call of any 6 or more members, for any purpose, by causing a notice of the meeting to be delivered in hand or to the place of business or residence of each member of the city council. This notice shall, except in an emergency of which the president shall be the sole judge, be delivered at least 48 weekday hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held. A copy of each such notice shall immediately be posted in accordance with applicable laws.

(b) The mayor may at any time call special meetings of the city council, for any purpose, by causing a notice of the meeting to be delivered in hand or to the place of business or residence of each member of the city council. This notice shall, except in an emergency of which the mayor shall be the sole judge, be delivered at least 48 weekday hours in advance of the time set and shall specify the purpose or purposes for which the meeting is to be held. A copy of each such notice shall immediately be posted in accordance with applicable laws.

Councillor Thomas F. O'Brien
Councillor Richard E. Sullivan, Jr.

Referred to
GEN GOV
GE
K

Ordinance #6
May 28, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

DATE: May 28, 2013

ORDERED:

AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED RESIDENCY REQUIREMENT

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

Chapter 2: Administration
Article III: Boards, Committees, Commissions
Division 1: Generally
Sec. 2-62: Residency requirement

Delete Sec. 2 – 62

Insert a new Sec. 2 - 62

Sec. 2-62. - Residency requirement.

Unless otherwise allowed by law, regulation, ordinance, or by this charter, all members of multiple member bodies must be residents of the city at all times during their entire term of office. If a member of a multiple member body removes from the city during the term for which appointed, such seat shall immediately be deemed vacant and filled in the manner provided for in section 3-3 of the Charter.

Councillor Thomas F. O'Brien
Councillor Richard E. Sullivan, Jr.

Gen Gov
GE Ark

Ordinance #7
May 28, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

DATE: May 28, 2013

ORDERED:

AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED SALARY OF ELECTED OFFICIALS

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

Chapter 2: Administration
Article IV: Officers and Employees
Division 1: Generally
Sec. 2-126: Salary of elected officials

Delete Sec. 2 – 126

Insert a new Sec. 2 - 126

Commencing with the inauguration of the mayor in January 2014, and continuing thereafter, the annual salary of the mayor shall be ninety-eight thousand dollars ($98,000.00), plus three thousand dollars ($3,000.00) annual expense allowance.

Councillor Thomas F. O'Brien
Councillor Richard E. Sullivan, Jr.

Refer G.Gov
GE
TJ

Ordinance #8
May 28, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

DATE: May 28, 2013

ORDERED:

AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED DEPARTMENTAL RECORDS

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

Chapter 2: Administration
Article IV: Officers and Employees
Division 1: Generally
Sec. 2-128: Departmental records to be kept; employee records

Amend by adding the following paragraph to the end of Sec. 2 - 128

> Such records kept by a department head under this section shall be consistent with those maintained by the Director of Human Resources as specified in the City Charter. Notwithstanding the provisions of this section, the official personnel records of all city employees shall be considered to be those compiled and maintained by the Director of Human Resources.

Councillor Thomas F. O'Brien
Councillor Richard E. Sullivan, Jr.

refer
Gen Gov
TJ/EE

Ordinance #9
May 28, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

DATE: May 28, 2013

AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED REMOVAL FOR CAUSE

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

Chapter 5: Buildings and Building Regulation
Article II: Administration
Division 2: Inspector of buildings
Sec. 5-42: Term of office

Delete the existing Sec. 5 – 42

Insert a new Sec. 5 - 42

Sec. 5-42. - Term of office. The inspector of buildings shall hold office for three (3) years unless sooner removed by the mayor in accordance with section 3-4(a) of the Charter.

Councillor Thomas F. O'Brien
Councillor Richard E. Sullivan, Jr.

Refer to Gov Ge
FC
GE

Ordinance #10
May 28, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED: **DATE:** May 28, 2013

AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED REMOVAL FOR CAUSE

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

Chapter 2: Administration
Article IV: Officers and Employees
Division 8: City Treasurer/Collector
Sec. 2-273: Removal for cause

Delete the existing Sec. 2 – 273

Insert a new Sec. 2 - 273

The city treasurer/collector may be removed for cause by the mayor in accordance with section 3-4(a) of the Charter.

Councillor Thomas F. O'Brien
Councillor Richard E. Sullivan, Jr.

Refer
Gen Gov
TJ GE

Communication #9
Aug. 12, 2013

Gen Gov
Comm
to the
whole

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

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

To: President and Members of the City Council

From: Peter Lombardi, Director of Policy and Administration

Date: August 5, 2013

Subject: Intermunicipal Agreement for Veterans' Services

Attached is an intermunicipal agreement for the regional delivery of veterans' services under Massachusetts General Law Chapter 40 Section 4A. After meeting with officials from Newbury, Merrimac, Amesbury, and Salisbury for the past several months, we have reached consensus on implementing this regional approach.

Since 2010, MGL Chapter 115 Section 10 has provided a mechanism that allows municipalities to form a regional veterans' district. However, the statutory language specifies that the district shall be comprised of *one* city and surrounding towns. Accordingly, we must initiate a Home Rule Petition to allow the two cities (Amesbury and Newburyport) to participate in this newly proposed Hines/Shay Veterans' District. A combined population cap of 50,000 for the two cities has been incorporated into the Petition to alleviate any broader political concerns about the precedent set by allowing two cities to participate in a district.

Once the Act is approved by the legislature, the participating communities will then submit an application to the Massachusetts Department of Veterans' Services seeking formal recognition as a regional veterans' district. Before that application is submitted, the City Council will have to approve a different, slightly revised intermunicipal agreement that is more closely aligned with the statutory provisions of Chapter 115.

In the meantime, Newburyport will be the lead community under this interim arrangement, with Kevin Hunt fulfilling all duties as the Veterans Service Officer. Each community will pay an apportionment based on the population of the municipality as of the 2010 federal census. Although it will be pro-rated for FY14, the annual expense (exempting Chapter 115 veterans benefits) for Newburyport to participate in this regional agreement will be

$37,781.12. By way of comparison, the City Council appropriated $52,523 in the FY14 Operating Budget for the veterans' service line items that will be covered under this regional agreement. Accordingly, the City is projected to save approximately $15,000 annually by formally joining with these other municipalities in providing these services. This funding schedule will remain the same once the district has been approved.

It is important to note that Mr. Hunt has been performing these services on behalf of Newbury and Merrimac for several years. He has also been fulfilling these duties for Amesbury on an interim basis since their VSO resigned earlier this year. Approving this agreement will allow the City to hire a part-time position (less than 20 hours per week) to help Mr. Hunt with much needed clerical and administrative support. This additional personnel is required to meet minimum staffing standards established by the Commonwealth around this regional districting option. Funding for this position has been included in the assessment schedule.

Mr. Hunt will split his time between Newburyport City Hall and the Costello Center in Amesbury. Under the interim intermunicipal agreement, Mr. Hunt and his administrative assistant will be City of Newburyport employees. Once the district is approved, all personnel will be employees of that district.

VETERANS' SERVICES
INTERMUNICIPAL AGREEMENT

THIS AGREEMENT is entered into by and between the Cities of Amesbury and Newburyport and the Towns of Merrimac, Newbury, and Salisbury, Massachusetts (hereafter referred to individually as Amesbury, Newburyport, Merrimac, Newbury, and Salisbury respectively, and hereafter referred to collectively as the "Municipalities"), this ___ day of _____ 2013, pursuant to the provisions of G.L. c. 40, §4A

WHEREAS, the Municipalities wish to furnish such information, advice and assistance to veterans and their dependents as may be necessary to enable them to procure the benefits to which they are or may be entitled relative to employment, vocational or other educational opportunities, hospitalization, medical care, pensions and other veterans' benefits; and

WHEREAS, the Municipalities have determined that the joint provision of these services will best address the needs of veterans within the Municipalities; and

WHEREAS, the Municipalities have obtained authorization for this Agreement in accordance with the requirements of G.L. c. 40, §4A pursuant to a vote of the City of Amesbury's City Council and the approval of its Mayor on _____ 2013; a vote of the City of Newburyport's City Council and the approval of its Mayor on _____ 2013; a vote of the Town of Merrimac's Board of Selectmen on _____ 2013; a vote of the Town of Newbury's Board of Selectmen on _____ 2013; and a vote of the Town of Salisbury's Board of Selectmen on _____ 2013.

NOW, THEREFORE, it is hereby agreed by and among the above-listed parties as follows:

(1) For the purpose of implementing this Agreement, Newburyport shall act as the Lead Municipality acting for and on behalf of the Municipalities.

(2) The Newburyport Veteran's Agent(the "Agent") shall serve as veteran's agent for each of the Municipalities pursuant to the terms of this Agreement. The Agent shall for all purposes be deemed an employee of Newburyport.

(3) The duties of the Agent shall include, but not be limited to, the following:
- Furnishing information, advice and assistance to veterans, and their dependents as may be necessary to enable them to procure benefits to which they are entitled relative to employment, vocational or other educational opportunities, hospitalization, medical care, pensions and other benefits; and
- Counseling and advising veterans and dependents and survivors in:
  - finding employment;
  - obtaining an education;
  - finding alternative sources of income;
  - assisting in drug/alcohol rehabilitation;

    - obtaining medical assistance and nursing home placement;
    - assisting with burials;
    - and aiding with myriad issues relating to veteran's questions and problems; and
- Working with federal agencies established for the aid of veterans, enlist support of hospitals; and
- Acquiring and making available copies of current booklets and other printed materials pertaining to the statutory rights of veterans provided under state and federal laws, and
- Such other responsibilities as may be set forth in M.G.L. Chapter 115.

(4) The office locations for provision of services under this Agreement shall be in Newburyport City Hall and at the Nicholas J. Costello Transportation Center located at 68 Elm Street in Amesbury. The Agent will endeavor to provide equal time at each location affording balanced accessibility to all veterans within the municipalities.

(5) A notice shall be posted conspicuously and in a readily accessible format in the each office specified herein and in the main municipal building of each of the Municipalities stating the name of the Agent; and the hours of operation, address, and telephone numbers for each office provided for under this Agreement. Such information shall also be made available on each of the Municipalities' website.

(6) The respective expenses of the Municipalities will be apportioned on the basis of the population of each of the Municipalities based on the most recent federal census. For FY14 apportionments by community based on 2010 census data, see attached Schedule A. Each of the Municipalities will continue to bear its respective M.G.L. Chapter 115 financial obligations to its own veterans.

(7) Pursuant to the provisions of M.G.L. Chapter 40, §4A, the Agent shall provide each of the Municipalities with periodic financial statements that shall include: accurate and comprehensive records of the services performed under this agreement; the costs incurred; and the reimbursements and contributions received. Such reports shall be compiled and distributed by the Agent on a quarterly basis.

(8) A Municipality may withdraw from this Agreement by vote of the appropriate City Council or Board of Selectmen not less than one hundred and eighty (180) days prior to the close of the then fiscal year and notice of the vote must be filed with the other Municipalities which are parties to this Agreement.

(9) This agreement may be amended to permit the addition of adjoining municipalities. The apportionment of the expenses of such adjoining municipality and of all current district municipalities shall be accomplished in compliance with the provisions of G.L. c. 115, §11.

(10) This agreement shall remain in effect until dissolved by unanimous vote of the Municipalities, but in no event for longer than twenty-five (25) years. A vote to

dissolve the agreement in this manner must be taken not less than one hundred and eighty (180) days prior to the close of the then fiscal year.

(11) If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.

(12) This Agreement may be amended from time to time in writing, by a vote of the Municipalities through their respective authorities as specified herein.

Executed as a sealed instrument.

The Town of Merrimac
Board of Selectmen

_____

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The Town of Salisbury
Board of Selectmen

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The Town of Newbury
Board of Selectmen

_____

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The City of Amesbury
City Council

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Approved:
City of Amesbury Mayor

_____

The City of Newburyport
City Council

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Approved:
City of Newburyport Mayor

_____

SCHEDULE A

TOWN	2010 POP.	POP. %	EXISTING CLIENTS	CLIENT %
Newburyport	17,416	31.74%	37	24.18%
Newbury	6,666	12.15%	4	2.61%
Amesbury	16,283	29.67%	64	41.83%
Merrimac	6,230	11.35%	11	7.19%
Salisbury	8,283	15.09%	37	24.18%
Totals	**54,878**	**100.00%**	**153**	**100.00%**

DISTRICT OPERATING COSTS:

	MONTHLY	ANNUAL
Salary*	$ 8,666.67	$ 104,000.00
Office rental		$ -
Materials	$ 150.00	$ 1,800.00
Postage	$ 40.00	$ 480.00
Mileage	$ 404.06	$ 4,848.72
Cell phone	$ 60.00	$ 720.00
sbscrptns/dues	$ 25.00	$ 300.00
training	$ 60.00	$ 720.00
Retirement	$ -	$ -
Medical	$ 500.00	$ 6,000.00
Maintenance	$ 15.00	$ 180.00
	$ 9,920.73	**$ 119,048.72**

*1 F/T VSO	$ 62,000.00
2 P/T Admins	$ 42,000.00
	$ 104,000.00

COSTS DISTRIBUTED BY POPULATION:

	Monthly	Annual
Newburyport	$ 3,148.43	$ 37,781.12
Newbury	$ 1,205.07	$ 14,460.78
Amesbury	$ 2,943.61	$ 35,323.27
Merrimac	$ 1,126.25	$ 13,514.95
Salisbury	$ 1,497.38	$ 17,968.59
	$ 9,920.73	**$ 119,048.72**

Communication #10
Aug. 12, 2013

Gen Gov Committee of the Whole

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

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

To: President and Members of the City Council

From: Peter Lombardi, Director of Policy and Administration

Date: August 5, 2013

Subject: Intermunicipal Agreement with West Newbury for Animal Control Services

Attached is an intermunicipal agreement with the Town of West Newbury for animal control services. Newburyport will be the lead community under this arrangement. The West Newbury Board of Selectman has recently approved the terms of this agreement. It includes an initial one year term, with options to extend out for two additional one year periods.

As you may remember, $20,000 was added to the FY14 budget on the revenue side under Other Department Revenue based on the projected payments made by West Newbury in anticipation of this agreement. In addition, $10,000 was added to the Health Department Budget under the Assistant Animal Control line item to cover the costs associated with bringing on additional personnel to provide these services to both communities. Accordingly, the City will save approximately $10,000 annually employing this regional approach to animal control services. We will also recoup any boarding fees when West Newbury animals are housed in our Animal Shelter and will have access to their Animal Control vehicle, a 2005 Ford Van with less than 10,000 miles on it.

While cost savings are a motivating factor in deciding to regionalize any municipal service, maintaining or improving the quality and delivery of those services is equally important. We believe that this regional effort will provide those results. In order to do so, based on our assessment of the workload, we plan on hiring a part-time, on-call Animal Control Officer who will cover both communities when our current Animal Control Officer is out for vacation, sick, personal, bereavement, etc. or is indisposed responding to another incident. The current stipended, on-call position that is responsible for responding to emergencies every other weekend will remain in place under this regional agreement. Both individuals currently holding these positions have been certified through the Massachusetts Animal Control Officers Association of Massachusetts. Any new employees will have similar training or will be certified within two years after being hired by the City.

CITY OF NEWBURYPORT AND

TOWN OF WEST NEWBURY

INTERMUNICIPAL AGREEMENT FOR THE ADMINSTRATION OF SHARED ANIMAL CONTROL SERVICES

Article 1. Purpose

This agreement is entered into, pursuant to Massachusetts General Laws Chapter 40, Section 4A, by and between the City of Newburyport, as authorized by its City Council and approved by its Mayor, and the Town of West Newbury, as authorized by its Board of Selectmen.

WHEREAS, the City of Newburyport and the Town of West Newbury are each obligated to provide animal control services to their residents; and

WHEREAS, the City of Newburyport and the Town of West Newbury have determined that their residents can more efficiently and effectively be served with such services through a joint undertaking between the communities; and,

WHEREAS, the City of Newburyport and the Town of West Newbury have determined to join together to establish and administer a program of shared Animal Control Services.

NOW THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, the parties agree as follows:

Article 2. Definitions

Participating Governmental Units: the City of Newburyport and the Town of West Newbury.

Animal Control Services: Any and all services as required of an Animal Control Officer under applicable Massachusetts Laws and regulations, including but not limited to MGL Chapter 140, Section 151 *et seq*. and MGL Chapter 129, Section 15 *et seq*.

Article 3. Term

This Agreement shall take effect on the 1st day of July 2013, for a one year term that may be extended by up to two additional one year terms commencing on July 1, 2014 and July 1, 2015. Any such extension term shall be subject to approval by the City of Newburyport, as authorized by its City Council and approved by its Mayor, and the Town of West Newbury, as authorized by its Board of Selectmen. The Participating Governmental Units shall give each other notice of whether or not they wish to extend this initial one year term at least ninety days prior to the annual Town Meeting of the Town of West Newbury but no later than ninety days prior to June 1st of the then-current term, unless another date is mutually agreed upon in writing. Should the

parties fail to extend this Agreement by written addendum hereto, the agreement shall terminate upon the last day of the then-current term.

Article 4. Lead City

The City of Newburyport shall act as the "lead city" for the Participating Governmental Units, by employing the necessary officers and providing the necessary equipment, vehicles and kennel to perform said Animal Control Services. Said officers shall be considered employees of the City of Newburyport and be accorded all applicable benefits enjoyed by other Newburyport municipal employees as they are or shall be established. Each such officer must be a Massachusetts certified Animal Control Officer (excepting that new employees may acquire such certification within two years of the commencement of employment). Said certification must be maintained during the term of this Agreement. The office where such officers shall be primarily located will be in Newburyport.

Article 5. Funding Contribution

During the Fiscal Year 2014 (July 1, 2013 – June 30, 2014), the Town of West Newbury shall pay the City of Newburyport for animal control services a total sum of $20,000.00 to be paid in four equal quarterly payments of $5,000.00 on or before August 1, November 1, February 1, and May 1 (provided that such sum will be prorated as of the date of approval of this Agreement by the Board of Selectmen of the Town of West Newbury and the Mayor of the City of Newburyport). This payment shall include all applicable expenses incurred by the City of Newburyport in providing Animal Control Services on behalf of the Participating Governmental Units, including, but not limited to, salaries, group health insurance, workers' compensation insurance, and all other applicable benefits. Nothing herein shall prevent the parties from mutually agreeing in writing to change the funding contribution during the initial term or any extended term of this agreement, subject to available appropriation.

Article 6 Financial Safeguards

Under the provisions of M.G.L. Chapter 40, §4A, the City of Newburyport Director of Public Health shall provide to the Town of Newbury periodic financial statements that shall include: accurate and comprehensive records of the services performed under this agreement; the costs incurred; and the reimbursements and contributions received. Such reports shall be compiled and distributed by the Health Director on a quarterly basis. In addition, all bills and payrolls submitted for work done under this regional agreement shall be plainly marked to indicate that the work was done under the authority of this agreement.

The accounting records of the Newburyport Animal Control Services, working under the direction of the Newburyport Director of Public Health, shall be subject to the City's annual audit process and shall be subject to periodic audit by the Newburyport City Auditor as is current practice.

Article 7 Hours of Services and Service Requirements

The City of Newburyport shall provide Animal Control Services under this Agreement on an as-needed basis, seven days a week, twenty four hours a day. Animal Control Services shall be provided on an equal basis between the communities.

Article 8 Vehicle Usage

The City of Newburyport shall provide a 2003 Ford Crown Victoria and the Town of West Newbury shall provide a 2005 Ford Van. Both vehicles shall be made available for the use of the Animal Control Officers. Collision and liability insurance for both vehicles shall continue to be paid by each respective Participating Governmental Units. Each Participating Governmental Units shall be responsible for the maintenance and upkeep of its own vehicles (excluding gasoline, oil changes and tires which will be provided in accordance with Article 4 hereof).

Article 9 Fines

Any fines, exempting boarding fees, collected will be collected on behalf of and returned to the Participating Governmental Unit from within the municipal boundaries of which the animal was taken, or in the case of an animal not taken, returned to the Participating Governmental Unit in which the animal resides or is kept.

Article 10 Indemnification

In the event that any claims, demands, suits, causes of action, costs, and expenses arise with respect to the services provided pursuant to this 'agreement, and to the extent permitted by Massachusetts General Laws chapter 258 and other applicable law, a Participating Governmental Unit shall indemnify, defend and hold harmless the other participating Government Unit form and against any such claims, demands, suits, causes of actions, costs and expends, including reasonable attorneys' fees and legal costs, but only to the extent that they arise from or relate to the negligent acts or omissions of the first Participating Governmental Unit, or its agents, servants, or employees, By entering into this Agreement, neither of the parties have waived any governmental immunity or limitation of liability or damages which may be extended to them by operation of law. This Agreement is by and between the municipalities which have executed it and each states that this is intended for their mutual benefit alone and is not intended to confer any express or implied benefits on any other person. This Agreement is not intended to confer third party beneficiary status on any person.

Article 11 Operation of Animal Shelter Facilities

The City of Newburyport shall maintain and operate an Animal Shelter Facility under the following terms and conditions.

I. OPERATIONS:

a. The Animal Shelter Facility shall be accessible to the citizens of each Participating Governmental Unit for the retrieval of impounded animals during normal business hours, Monday through Friday 8AM to 4PM by appointment. Weekend hours will be provided by appointment only. Notice shall be posted conspicuously and in a readily accessible format in the main municipal building of both Participating Governmental Units which states the hours of operation and an emergency telephone number for use by residents to retrieve their pets. Such information shall also be made available on each respective Participating Governmental Unit website. The animal shelter shall be able to accept impounded animals 24 hours a day, 365 days a year.

b. Newburyport will provide daily supervision, food, water and humane care to animals boarded at the shelter.

c. All Animal Control Officers will log in each time they enter the Animal Shelter Facility. The sign-in sheets will be submitted monthly to the Director of Public Health.

d. The Animal Shelter Facility is to be solely used for the impounding of animals and to be used by Animal Control Officers only. There shall be no entry of other persons in the shelter without the consent of the City of Newburyport Director of Public Health.

e. Newburyport will be responsible for the Animal Shelter Facility cleaning/sanitizing supplies, maintenance, heat, water, electric and other utility costs incurred in connection with the operation of the Facility.

f. Newburyport will be responsible to keep the Animal Shelter Facility and associated kennels maintained, clean, and sanitary on a daily basis. Excreta and food waste shall be removed from primary enclosures daily and from under enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent soiling of the animals contained in the enclosures, and to reduce disease, hazards, insects, pests, and odors. The condition of the kennels and quality of care is to be of a high caliber and performed to the standards established by the City of Newburyport Director of Public Health.

g. Boarding facilities shall include a sheltered kennel unit with cages and/or runs that protect the animals from precipitation, and extreme hot (100°F or greater) and cold (45°F or less) conditions. Except in emergency situations, as determined by the Newburyport Animal Control Officer, no more than one adult animal shall be kept per cage.

h. Newburyport will be responsible for ensuring that an ill or injured animal is treated promptly by the respective Participating Governmental Unit's contracted licensed veterinarian, depending on the nature and/or seriousness of the illness or injury, and that any prescribed medication is promptly obtained and administered.

II. FEES:

a. Owners who reclaim animal(s) shall make payment to the City of Newburyport prior to reclaiming their animal(s) for all boarding fees ($35.00 per day for each animal) and all other fees related to shelter services provided per day per animal.

b. Newburyport shall provide invoices, collect monies and keep records of all required fees received from owners. Invoices provided to owners who are retrieving their animal shall include the date that the animal was delivered to the shelter, the per day shelter rate, the number of days that the animal was sheltered, medical bills as applicable, and total fee due and collected.

c. Each Participating Governmental Unit shall be responsible for the direct costs to care for the animals which originate from said community, including but not limited to flea treatments and any veterinary costs. For the purposes of this agreement, "veterinary costs" shall include rabies vaccinations, health evaluation, treatment of minor curable diseases and euthanasia.

d. Each Participating Governmental Unit shall pay any additional costs associated with the transport and removal of animals from their community if an animal is not claimed or is injured.

e. Newburyport may add a surcharge of up to ten (10) percent (not to exceed $25.00) to medical bills to cover certain incidental costs relating to

transportation of an animal to a veterinarian's office, telephone expenses incurred in connection with medical treatment, and any special care involved. Bills must support all medical charges and receipts bearing the name of the veterinarian or firm from whom they were obtained.

f. Fees for animals that are unclaimed by the owner at the end of the maximum seven (7) day holding period shall be paid by the Participating Governmental Unit where the animal originated.

g. All fees and receipts from boarding and all other services related to the shelter shall be submitted monthly to the City of Newburyport Health Department.

III. **RECORD KEEPING:** Each Participating Governmental Unit's Animal Control Officers shall maintain an impound record on each animal delivered to the Animal Shelter Facility. The impound record will be prepared and filled out by the appropriate Animal Control Officer and delivered to the Facility with the animal.

Upon discharge, one (1) copy of the animal's completed record shall be provided to the person claiming the animal and one (1) copy of each discharged animal's record shall be provided to Newburyport. If the agreement is terminated, all impound records shall transmitted to the appropriate town.

IV. **DISCHARGE:**

a. Claimed animals: Each Participating Governmental Unit will require the person claiming the animal to show identification (preferably a driver's license). In the case of a dog, a certificate of license is required of all dogs six (6) months of age or older for release.

In the event of non-licensure of a dog, the owner or person claiming the dog will be required to show proof of licensure prior to release by the Animal Control Officer. The Animal Control Officer will not be responsible for ensuring licensure of the dog.

In addition, the Animal Control Officer will provide the person claiming the animal with a full disclosure of any medical treatment rendered by a veterinarian and/or the Animal Shelter Facility and by whom it was rendered

and a complete identification of any prescription or non-prescription medicine(s) administered to the animal while in custody. Finally, the Animal Shelter Facility must obtain the signature and the driver's license number of the person to whom the animal is released on the Impound Record.

b. Unclaimed animals: Unless requested by the Newburyport Director of Public Health or West Newbury Police Chief to retain the animal for a longer period (2 to 4 additional days), animals will be picked up on or immediately following the seventh (7th) day of confinement by the Animal Control Officer. The written notice to extend shelter services from the Newburyport Director of Public Health or West Newbury Police Chief must accompany the reports to the city or town. The shelter may place such animals as are deemed suitable up for adoption in accordance with MGL Chapter 140, section 136A.

Article 12 Miscellaneous

a. This agreement may be amended in writing by vote of both of the Participating Governmental Units. Should additional municipalities seek to join this program of shared Animal Control Services, the terms agreed to herein, including apportionment of expenses, for such additional municipalities shall be negotiated and approved by both of the Participating Governmental Units.
b. This agreement represents the entire understanding of the parties with respect to its subject matter.
c. This agreement shall be governed by the laws of the Commonwealth of Massachusetts.
d. If any of the provisions of this agreement is declared to be illegal, unenforceable, or void, then both parties shall be relieved of all obligations under such provision, provided, however, that the remainder of the Agreement shall be enforced.

TOWN OF WEST NEWBURY
By Board of Selectmen

_____

_____

_____

CITY OF NEWBURYPORT
By City Council

_____

_____

_____

_____

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_____

_____

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_____

Order #5
Aug. 12, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

August 12, 2013

ORDERED:

Order Relative to Legislation Creating a new Regional Veterans' Services' District to Include the City of Newburyport, the City of Amesbury, the Town of Salisbury, the Town of Merrimac and the Town of Newbury

Whereas, the City of Newburyport and one of more of its neighboring communities, which may include the City of Amesbury, the Town of Salisbury, the Town of Merrimac and the Town of Newbury, wish to create a new regional veterans' services district, and

Whereas, Massachusetts General Laws Chapter 115, Section10 limits participation in such a regional district to adjacent municipalities and only one city per district, and

Whereas, said communities are in essential agreement as to the terms of an Intermunicipal Agreement for operation of such new regional veterans' services district,

Now therefore, be it **Ordered** that:

The City Council of the City of Newburyport hereby authorizes the Mayor, on behalf of the City, to submit a Petition to the General Court of the Commonwealth of Massachusetts to enact an Act creating a new regional veterans' services district, including the City of Newburyport and one of more of its neighboring communities, which may include the City of Amesbury, the Town of Salisbury, the Town of Merrimac and the Town of Newbury, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Mayor approves amendments to the bill before enactment by the General Court, and to further authorize the Mayor to act on behalf of the City relative to any inquiries and/or changes made by the General Court concerning the proposed Act, and to approve amendments which shall be within the scope of the general public objectives of the petition and to cooperate with the City of Amesbury, the Town of Salisbury, the Town of Merrimac and the Town of Newbury in jointly submitting such petition, as needed:

AN ACT RELATIVE TO A REGIONAL VETERANS' SERVICES DISTRICT IN ESSEX COUNTY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Motion to refer Gen Gov committee of the whole
pc
OC

SECTION 1. The cities of Newburyport and Amesbury and the towns of Salisbury, Newbury and Merrimac, or any two or more of them, may establish a regional veterans' services district under the provisions of section 10 of chapter 115 of the General Laws, notwithstanding that said section 10 limits participation in such a district to adjacent municipalities and only one city per district. Such district shall, other than as set forth herein, comply with the provisions of said section 10 and shall be known as The Hines/Shay Veterans' District.

SECTION 2. Said district may continue so long as the combined population of the cities of Newburyport and Amesbury shall not, by reference to the most recent US Census data, exceed 50,000. In any year in which the combined population of the cities of Newburyport and Amesbury is determined, by reference to the most recent US Census data, to exceed 50,000, the members of said district shall convene a district meeting. The purpose of such district meeting shall be to address a method of reforming the district in compliance with the population requirements of this Act and to establish a reasonable time frame in which to accomplish the transition necessary to such reformation without sacrificing services to the veterans of each community involved in such transition.

SECTION 2. This act shall take effect upon its passage.

_____

Councillor Thomas F. O'Brien

LSP

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NEWBURYPORT, MA
2013 JUN -6 P 1:51

NEW FILING ✓
RENEW ____

City of Newburyport

Application

Food Establishment Outdoor Seating on Public Property

Date: June 6, 2013

Name of Business Owner: Nancy Batista-Caswell

Name of Property Owner: Nancy Batista-Caswell

Business Name: Ceia Kitchen + Bar

Business Address: 38 State Street Business Telephone: 978.358.8112

Number of Tables Requested: 6 Dimensions: 23 1/2 in. by 23 1/2 in. Material: Wood

Number of Chairs Requested: 12 Dimensions: 34" height / 16" Length / 17" Wide Material: Wood

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

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

Application Requirements

Please submit the following documents with the completed application to:

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

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

2) 8 ½ x 11 sketch of outdoor seating detailing: a) measurements of tables and chairs b) total width of sidewalk and c) distance between proposed seating and sidewalk

Application

Food Establishment Outdoor Seating on Public Property
(continued)

3) obstacles such as streetlights, signs, trees, benches, and garbage barrels.

4) Applicants seeking approval of outdoor seating for food and alcohol consumption must also submit:

a) Written and dated approval of the Newburyport License Commission for the outdoor service of alcohol, including the information and sketch used for the basis of the License Commission approval.

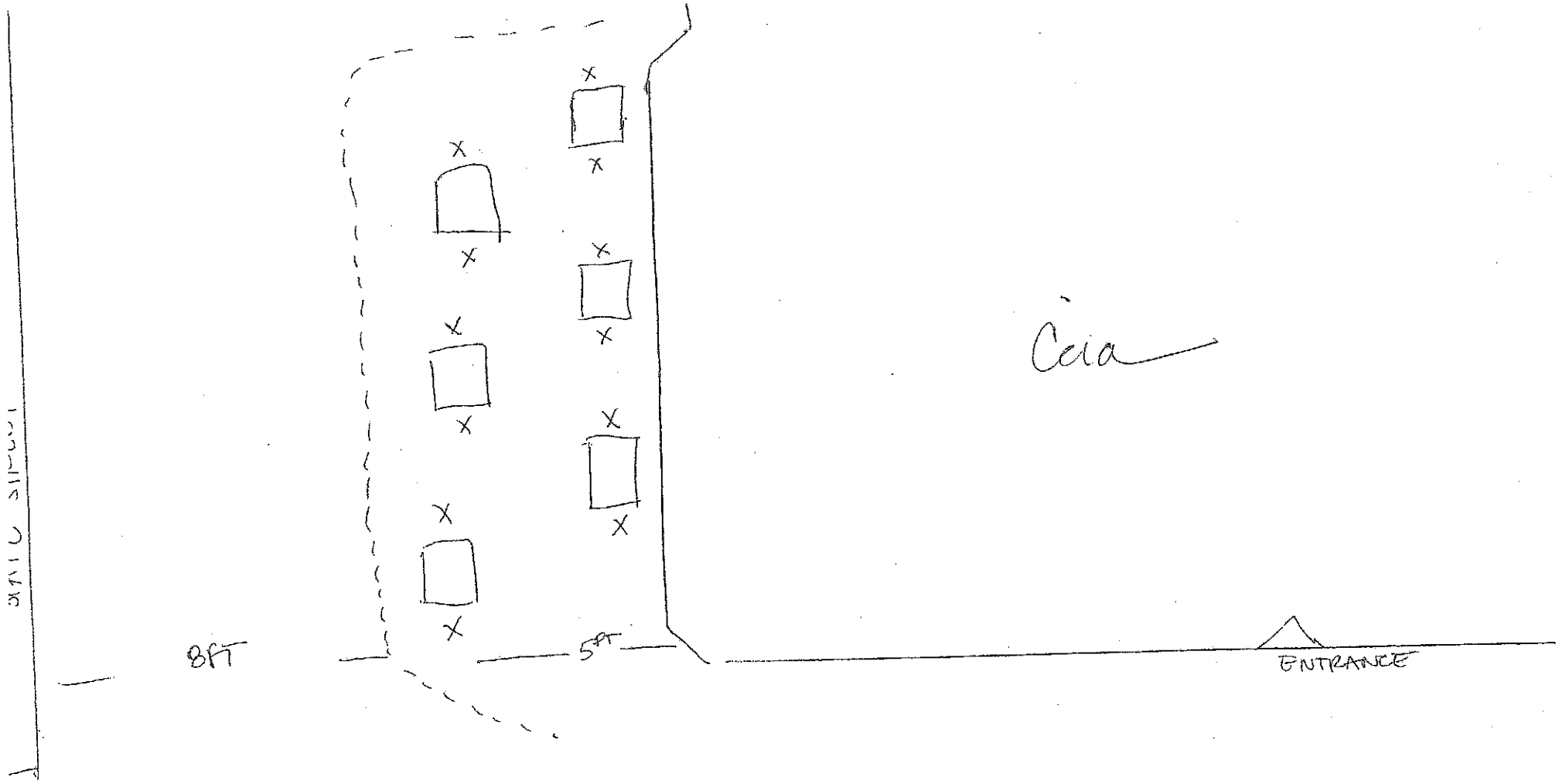
b) 8 ½ x 11 sketch of outdoor seating cited above must also include a depiction and information on the placement, dimensions, and materials used to create a demarcated area for the service of alcohol.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

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

N Blasnell

Signature of Business Owner



THREAD
NEEDLE
ALLEY

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 06/06/13

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
Chase & Lunt LLC
P O Box 590
47 State Street
Newburyport, MA 01950
Mark D. Bailey

978-462-4434
978-465-6204

CONTACT NAME:
PHONE (A/C, No, Ext):
FAX (A/C, No):
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Arbella Insurance Co.	41360
INSURER B : The Hartford	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Caswell Restaurant Group
dba CEIA Kitchen & Bar
dba Brine
Nancy Caswell
38 State Street
Newburyport, MA 01950

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL 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			8500053592	12/13/12	12/13/13	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 2,000,000
							PRODUCTS - COMP/OP AGG	$ 2,000,000
							Liquor	$ 1,000,000
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	$
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
								$
A	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $			TBA	12/13/12	12/13/13	EACH OCCURRENCE	$ 2,000,000
							AGGREGATE	$ 2,000,000
								$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		08WECLI5514	12/14/12	12/14/13	X WC STATU-TORY LIMITS OTH-ER	
							E.L. EACH ACCIDENT	$ 500,000
							E.L. DISEASE - EA EMPLOYEE	$ 500,000
							E.L. DISEASE - POLICY LIMIT	$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
Proof of Coverage for 25 State Street and 38 State Street, Newburyport, MA

CERTIFICATE HOLDER

CITYNBT

City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

CANCELLATION

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

AUTHORIZED REPRESENTATIVE
Mark D. Bailey

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June 24, 2013

NEW FILING ✓
RENEW ____

LHP

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NEWBURYPORT, MA
2013 JUN -6 P 1:56

City of Newburyport

Application

Food Establishment Outdoor Seating on Public Property

Date: June 6, 2013

Name of Business Owner: Nancy Batista-Caswell

Name of Property Owner: Scott Hoppe

Business Name: Brine

Business Address: 25 State Street Newburyport, MA 01950 Business Telephone: 978.358.8479

Number of Tables Requested: 4 Dimensions: 24" Material: Aluminum

Number of Chairs Requested: 8 Dimensions: 24" Material: Aluminum

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

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

Application Requirements

Please submit the following documents with the completed application to:

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

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

2) 8 ½ x 11 sketch of outdoor seating detailing: a) measurements of tables and chairs b) total width of sidewalk and c) distance between proposed seating and sidewalk

Application

Food Establishment Outdoor Seating on Public Property (continued)

3) obstacles such as streetlights, signs, trees, benches, and garbage barrels.

4) Applicants seeking approval of outdoor seating for food and alcohol consumption must also submit:

a) Written and dated approval of the Newburyport License Commission for the outdoor service of alcohol, including the information and sketch used for the basis of the License Commission approval.

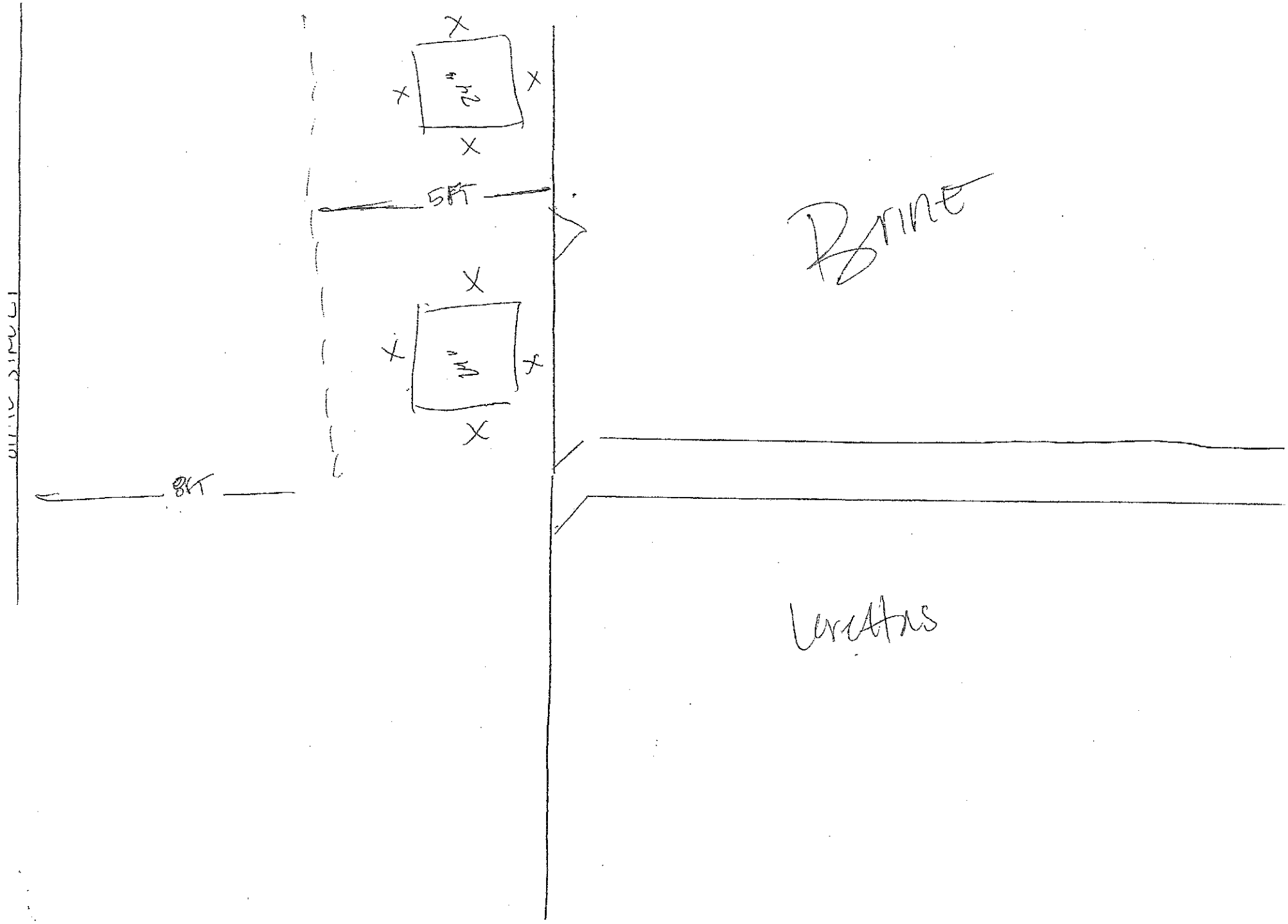
b) 8 ½ x 11 sketch of outdoor seating cited above must also include a depiction and information on the placement, dimensions, and materials used to create a demarcated area for the service of alcohol.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

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

N B Caskul

Signature of Business Owner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Brine
Lucitas

CEIA-01 OP ID: MD

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 06/06/13

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PRODUCER
Chase & Lunt LLC
P O Box 590
47 State Street
Newburyport, MA 01950
Mark D. Bailey

978-462-4434
978-465-6204

CONTACT NAME:
PHONE (A/C, No, Ext):
FAX (A/C, No):
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Arbella Insurance Co.	41360
INSURER B : The Hartford	
INSURER C :	
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
Caswell Restaurant Group
dba CEIA Kitchen & Bar
dba Brine
Nancy Caswell
38 State Street
Newburyport, MA 01950

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
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							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 100,000
							MED EXP (Any one person)	$ 5,000
							PERSONAL & ADV INJURY	$ 1,000,000
							GENERAL AGGREGATE	$ 2,000,000
							PRODUCTS - COMP/OP AGG	$ 2,000,000
							Liquor	$ 1,000,000
	AUTOMOBILE LIABILITY ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	$
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
								$
A	X UMBRELLA LIAB X OCCUR EXCESS LIAB CLAIMS-MADE DED RETENTION $			TBA	12/13/12	12/13/13	EACH OCCURRENCE	$ 2,000,000
							AGGREGATE	$ 2,000,000
								$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N / A		08WECLI5514	12/14/12	12/14/13	X WC STATU-TORY LIMITS OTH-ER	
							E.L. EACH ACCIDENT	$ 500,000
							E.L. DISEASE - EA EMPLOYEE	$ 500,000
							E.L. DISEASE - POLICY LIMIT	$ 500,000

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

Proof of Coverage for 25 State Street and 38 State Street, Newburyport, MA

CERTIFICATE HOLDER

CITYNBT

City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

CANCELLATION

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AUTHORIZED REPRESENTATIVE
Mark D. Bailey

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Communication #7
Aug. 12, 2013

BLATMAN, BOBROWSKI & MEAD, LLC
ATTORNEYS AT LAW
30 Green Street
Newburyport, MA 01950
Phone: 978-463-7700
Fax: 978-463-7747

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2013 AUG -5 P 1:40

LISA L. MEAD
lisa@bbmatlaw.com

CONCORD OFFICE
9 Damonmill Square, Suite 4A4
Phone: 978-371-2226
Fax: 978-371-2296

By Hand

August 5, 2013

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

RE: Application for Food Establishment Outdoor Seating
56 State Street / Atomic Café

Dear President O'Brien and Members of the City Council;

Reference is made to the above captioned matter. In that connection, I represent Atomic Coffee Company of Newburyport, LLC relative to the enclosed application for a Food Establishment Outdoor Seating Permit. The applicant has entered into a lease agreement for the premises located at 56 State Street, (the "Premises"), where they intend to operate a café serving food, wine, local, and craft beers, coffee, and other non-alcoholic beverages. Atomic Coffee Company of Newburyport, LLC is leasing the Premises from Eastern Yacht Sales & Charters, Inc. The agreement notes that the use of the premises will be that of a restaurant/coffee, beer, and wine bar, and for the retail sale of foods and beverages and related items.

Background

The Atomic Coffee Company of Newburyport, LLC was formed by Andrew Mahoney, John Mahoney, and Mike Vien. The Mahoney brothers have owned and operated the Atomic Café in Beverly, MA, for seventeen (17) years and the Atomic Café in Marblehead for seven (7) years. From 2002 to 2006, both Andrew and John also operated McSwiggin's Pub and Restaurant in Salem, MA, where operations included an interest in a license to sell alcoholic beverages. Andrew Mahoney will be managing this Café.

A simple survey of the communities in which the Atomic Café operates will reveal that the company provides a professional, well respected and popular enterprise. Currently the company employs approximately twenty four individuals between its roasting business and cafes.

The owners are excited about the prospect of opening a Café in Newburyport and will surely add to the City's popularity as a food and drink destination. With that in mind, the

hours of operation are proposed to be 7:00 a.m. – 10:00 p.m. Monday through Saturday and 7:00 a.m. through 7:00 p.m. on Sunday.

The Premises is located in the B2 zoning district, situated between The Book Rack and Agave and consists of approximately 2,509 square feet, with approximately 2,186 square feet dedicated to service space of which there are 1,482 square feet of indoor space and 323 square feet of outdoor restaurant space.

Outdoor Seating Requirements:

The Café will include 66 seats consisting of café tables and booths as well as proposed outdoor seating. There will be 42 seats inside the Café and a proposed 24 seats are being proposed for outdoor seating. The Applicant has submitted its application for a malt and wine license as well as a Common Victualler license which will be heard on August 13, 2013.

All outdoor seating will be controlled/demarcated as required by the City Council rules with separations of a stanchion and rail system with fabric skirting. As you can see on the plan there is a 5.6 foot passage way for pedestrian clearance on the sidewalk and nearby amenities. You will note on the plan, there is no interference with the doorways, fire escapes or curbing.

The applicant will take full responsibility for the out door seating, tables and separators and at all times keep in good repair and out of the public way. The applicant understands its responsibility to secure the seating and tables at night and to assure their availability during business hours. All seating will comply with local, state and federal laws.

Once approved and prior to the issuance of the permit, the Applicant will provide to the City evidence of liability insurance as required by the City Council Requirements.

The Applicant looks forward to presenting their plans to the License and Permits Committee in person at the next Committee meeting. Should you require further information, please let me know.

Respectfully submitted,
Atomic Café Company of Newburyport LLC
By their attorney,

Lisa L. Mead

cc: Client

NEW FILING X
RENEW ____

City of Newburyport

Application

Food Establishment Outdoor Seating on Public Property

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2013 AUG -5 P 1:40

Date: 7/12/2013

Name of Business Owner: Michael Vien

Name of Property Owner: Robert Hugo, Eastern Yacht Sales & Charters, Inc.

Business Name: Atomic Coffee Company, LLC, d/b/a Atomic Coffee

Business Address: 52+56 State Street Business Telephone: 978-910-0489

Number of Tables Requested: 12 Dimensions: 24"x24" x 10 Tables, 12"x54" x 2 ledges Material: Steel/Aluminum, Wood/Steel

Number of Chairs Requested: 24 Dimensions: 15"x18" Material: metal/Aluminum

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

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

Application Requirements

Please submit the following documents with the completed application to:

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

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

2) 8 ½ x 11 sketch of outdoor seating detailing: a) measurements of tables and chairs b) total width of sidewalk and c) distance between proposed seating and sidewalk

Application

Food Establishment Outdoor Seating on Public Property (continued)

3) obstacles such as streetlights, signs, trees, benches, and garbage barrels.

4) Applicants seeking approval of outdoor seating for food and alcohol consumption must also submit:

a) Written and dated approval of the Newburyport License Commission for the outdoor service of alcohol, including the information and sketch used for the basis of the License Commission approval.

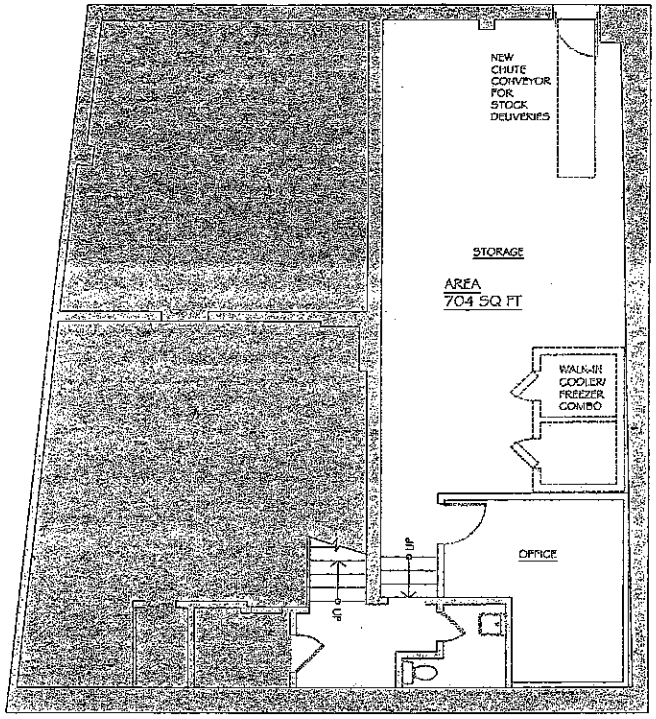
b) 8 ½ x 11 sketch of outdoor seating cited above must also include a depiction and information on the placement, dimensions, and materials used to create a demarcated area for the service of alcohol.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

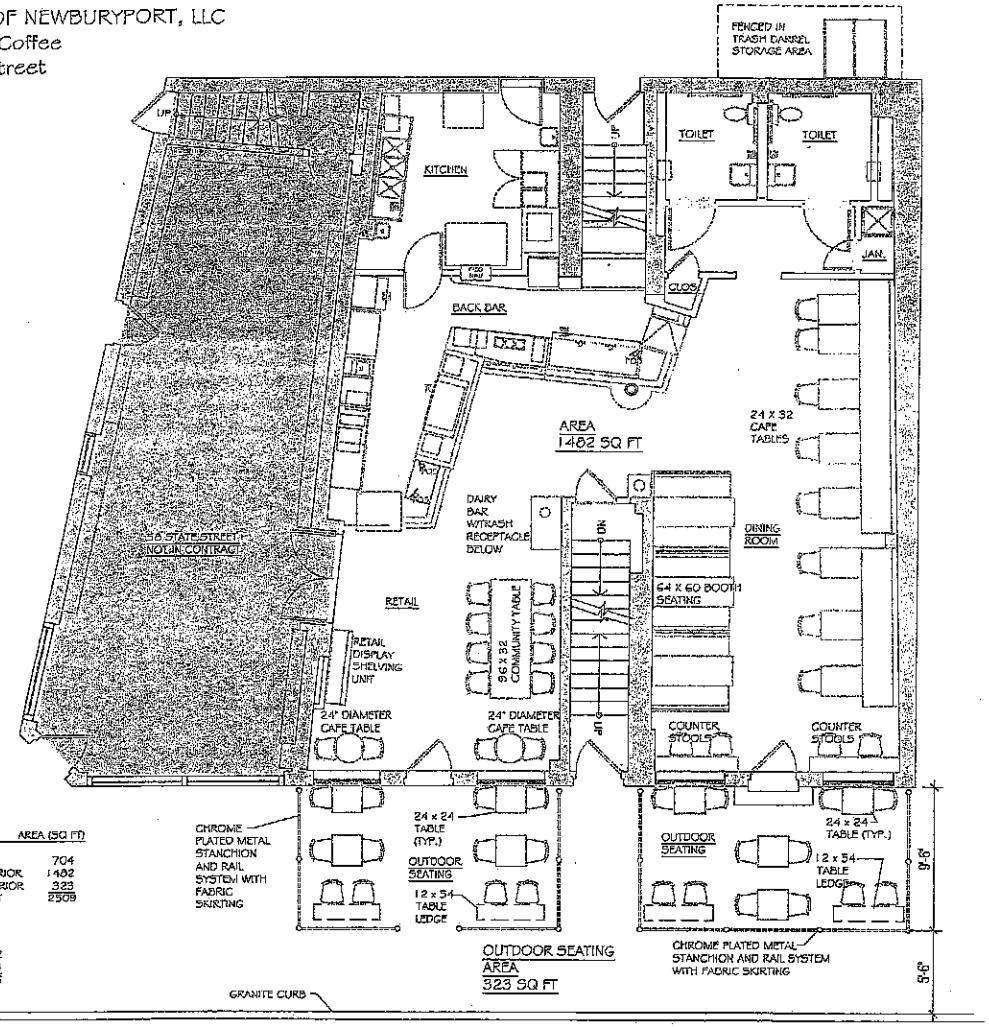
I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages,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

Signature of Business Owner

ATOMIC COFFEE COMPANY OF NEWBURYPORT, LLC
d/b/a Atomic Coffee
56 State Street



Basement Floor Plan



SPACE	AREA (SQ FT)
BASEMENT	704
FIRST FLOOR - INTERIOR	1482
FIRST FLOOR - EXTERIOR	323
TOTAL SQUARE FEET	2509

SEATING	
INSIDE	42
OUTSIDE	24
TOTAL SEATS	66

First Floor Plan

COMMON ST commonstreetdesign.com	N	Atomic Coffee Company of Newburyport, LLC	Scale 1/8" = 1'-0"	Drawing Name Proposed 1st Floor & Basement Plans
			Date JULY 30, 2013	

Order #o
Aug. 12, 2013

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

August 12, 2013

THAT the CITY COUNCIL of the CITY OF NEWBURYPORT hereby approves the Shellfish Management fees as specified in the attached Shellfish Management Plan entitled "City of Newburyport Shellfish Management Plan For Moderately Contaminated Shellfish Areas" by and between said City and the Massachusetts Division of Marine Fisheries.

Councillor Allison Heartquist

L+P
+ committee of the whole
All
EC
JV

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

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

To: President and Members of the City Council

From: Peter Lombardi, Director of Policy and Administration

Date: August 6, 2013

Subject: Shellfish Management Plan

The Division of Marine Fisheries intends to open approximately 250 acres in Joppa Flats out to Woodbridge Island for shellfishing (see attached map). Since these flats are designated as moderately contaminated, all shellfish harvested from this area are required to be processed at the Shellfish Purification Plant. Given the accessibility of this area to the general public, the Division of Marine Fisheries is concerned that without proper education and consistent enforcement, unlicensed shellfishing may occur. Attached is a shellfish management plan that has been drafted to address those concerns.

The area will be opened as soon as this management plan is approved. It will remain open on a year-round basis, but will be closed after any moderate to significant rain event. The Division of Marine Fisheries estimates that the flats will be open from between 45 to 120 days a year, depending on how frequently it has to be closed due to rain.

Under this management agreement, the City will be able to charge between $100 and $200 per license and $2 per rack. Based on their projections, the Division of Marine Fisheries believes that approximately 3000 bushels will be harvested on an annual basis from these flats. Accordingly, the City anticipates collecting between $6500 and $7500 annually in fees once this area is opened. These fees will be deposited into the Harbor Enterprise Fund.

The plan establishes the Newburyport Shellfish Constable as the enforcement authority. Consistent with what many other coastal municipalities do around the state, the Mayor has appointed the Harbormaster to this position, subject to your confirmation. Mr. Hogg's responsibilities under this new plan will be as follows:

- Inspect racks of shellfish harvested with respect to MGL Chapter 130 section 52, 69 and CMR 322 section 10.04

- Maintain a daily record tracking the number of racks harvested by each Master Digger
- Patrol the area when shellfish are being harvested and monitor shellfish areas and landing sites during closures
- Notify the Massachusetts Division of Marine Fisheries' Shellfish Purification Plant each Friday with the proposed digging schedule and landing site schedule for the following week

The Shellfish Constable will earn a $2500 annual stipend which will be paid in equal bi-weekly installments to account for these additional duties. Based on the projected revenue from opening these new flats, the City will see a net increase of between $4000 and $5000 annually. Mr. Hogg plans on attending the Massachusetts Shellfish Constable Training program held down at Massachusetts Maritime Academy in January 2014. Both the terms of the management plan as well as the stipend rate will be revisited once the flats have been opened for one full year.

Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street, Suite 400
Boston, Massachusetts 02114
(617) 626-1520
fax (617) 626-1509

Paul J. Diodati
Director

Deval Patrick
Governor
Richard K. Sullivan, Jr.
Secretary
Mary B. Griffin
Commissioner

CITY OF NEWBURYPORT SHELLFISH MANAGEMENT PLAN FOR MODERATELY CONTAMINATED SHELLFISH AREAS

1.) PURPOSE: The following plan is intended for the City of Newburyport as a management, conservation, and law enforcement cooperative measure. This plan is meant to insure adequate control of moderately contaminated shellfish harvest, under the authority of Massachusetts General Laws Chapter 130, Section 52, 74, 74a, 75, 80, 98, and CMR 322 Section 10. For the purpose of this management plan, shellfish shall be defined as soft-shell clams (*Mya arenaria*).

2.) LICENSES: Every digger, Master and Subordinate, shall buy a Commercial Shellfish License from the City of Newburyport, City Clerk. Shellfish Licenses shall be valid for one (1) year commencing January 1st and expiring December 31st. Necessary proof of residence must be to the satisfaction of the City Clerk and shall be in the form of 2 or more of the following instruments, but not limited to: driver's license, voter registration, real estate tax bill, utility bill, school enrollment and/or vehicle registration. Applicants for a Newburyport Shellfish License must possess a valid Master or Subordinate Digger permit issued by the Massachusetts Division of Marine Fisheries. License applicants must submit a signed statement on forms supplied by the City of Newburyport that the applicant has read, is familiar with, and agrees to fully comply with provisions of this management plan.

3.) LICENSE FEES shall be set as follows and may be subject to change in subsequent calendar years by City of Newburyport in consultation with the Massachusetts Division of Marine Fisheries. The City of Newburyport may at any time during a calendar year pro-rate license fees.

Newburyport Residents (Resident License)	$100.00
Massachusetts Residents (Non-resident License)	$200.00
Rack Fee	$2.00/Rack

4.) TRANSACTION CARDS & CLEAN SHELLFISH PERMITS: No digger, Master and Subordinate may have in his or her possession during his or her moderately contaminated shellfish activities a clean shellfish permit, a shellfish endorsement on his or her commercial fishermen permit or a shellfish transaction card. In addition, Master Diggers so engaged in moderately contaminated shellfish activities must surrender any clean shellfish permit, shellfish

endorsement on his or her commercial fishermen permit or a shellfish transaction card other than a special Master digger transaction card to the Massachusetts Division of Marine Fisheries.

5.) ENFORCEMENT: The Shellfish Constable and/or Deputy Shellfish Constable, appointed by the Mayor of the City of Newburyport will enforce the provisions of this management plan and all statutes in accordance with provisions of section 98 Chapter 130 of the Massachusetts General Laws. Officers of the Massachusetts Office of Environmental Law Enforcement will have the authority to enforce the provisions of this management plan.

6.) RACK TRACEABILITY: The Shellfish Constable will maintain a daily record with the number of racks harvested by each Master Digger. Such records will contain, but not be limited to the following information:

a.) The date and proper designation of the shellfish area harvested.
b.) The name of the Master Digger or Supervisor and the permit number of the Master Digger.
c.) The number of racks collected by Master Digger or his/her Supervisor.
d.) The true names and permit numbers of the Subordinate Diggers harvesting that day and numbers of racks each Subordinate dug.

7.) RACK LIMITS: A daily rack limit may be imposed upon each digger when the Massachusetts Division of Marine Fisheries and the City of Newburyport agree a limit is necessary. Any rack limit may also be based upon the capacity of the Massachusetts Division of Marine Fisheries Shellfish Purification Plant. No Master Digger or Subordinate will exceed any such rack limit. The City of Newburyport and the Massachusetts Division of Marine fisheries may agree to set rack limits in shellfishing areas for conservation purposes.

8.) WASHING AND CULLING: Shellfish shall be thoroughly washed with water from the harvest area and dead or broken shellfish or foreign matter removed from the catch prior to loading onto the transport vehicle in accordance with provisions of 322 Code of Massachusetts Regulations 10.04 (3, 4).

9.) HARVEST MONITORING AND PATROL: The Shellfish Constable shall review the Master Diggers Report on a daily basis for completeness, sign and retain the canary colored copy prior to transport. The Shellfish Constable will inspect racks of shellfish harvested with respect to MGL Chapter 130 section 52, 69 and CMR 322 section 10.04. Patrol of the City of Newburyport waterways by the Shellfish Constable must be provided on days that shellfish are being harvested. In addition, the City will adequately patrol or monitor shellfish areas and landing sites during closures.

10.) POSTINGS: The City of Newburyport shall install and maintain orange markers clearly delineating the boundaries between classification areas. *Marine Fisheries* will provide the City of Newburyport with a list and description of the classification areas in the City of Newburyport including information on the classification and locations for installing red/orange markers. In addition, signs will be used to notify the public that the area is contaminated and shellfishing is not permitted. Signs shall be posted by the City of Newburyport at commonly used and/or public access points. The City of Newburyport shall provide postings locations to *Marine Fisheries*.

11.) PROHIBITED: The following are prohibited practices:

a.) No digger, Master or Subordinate, shall contribute to the catch of another digger.

b.) No Master Digger or Subordinate Digger shall exceed a daily limit imposed by the City of Newburyport and/or the Massachusetts Division of Marine Fisheries.

c.) No Master Digger or Subordinate Digger shall be in the possession of seed clams.

12.) HARVESTING SCHEDULE: No more than one conditionally restricted area may be harvested per day. The City and Division of Marine Fisheries may wish to partition the available flats into harvest areas. The conditionally restricted area's status shall be "Open" to clamming by the Massachusetts Division of Marine Fisheries prior to harvest. It is at the discretion of the Shellfish Constable to assign the digging area. The Shellfish Constable will notify the Massachusetts Division of Marine Fisheries' Shellfish Purification Plant each Friday with the proposed digging schedule for the following week. Changes to the digging schedule may be made with the prior approval of the Massachusetts Division of Marine Fisheries. The Shellfish Constable must notify the Massachusetts Office of Environmental Law Enforcement and the Massachusetts Division of Marine Fisheries' Shellfish Purification Plant of a schedule change, due to weather or unpredictable circumstances.

13.) TRANSPORTATION: Shellfish from conditionally restricted areas open to harvest shall be transported to the Massachusetts Division of Marine Fisheries Shellfish Purification Plant via prescribed routes designated by the Division. In a qualified emergency, the Shellfish Constable may make a temporary route change, within their town, with the approval of the Massachusetts Office of Environmental Law Enforcement. The Division of Marine Fisheries Shellfish Purification Plant will be notified immediately upon the temporary change.

14.) HOLD OVER: All shellfish harvested on any "digging day" shall be transported immediately to the Shellfish Purification Plant. Shellfish may be held overnight in an emergency. "Hold over" shellfish will only be allowed with the agreement of Massachusetts Office of Environmental Law Enforcement. The Shellfish Purification Plant will be immediately notified and all conditions of CMR 322 Section 10.06 will be met. Massachusetts Division of Law Enforcement will designate a secure location for "hold over" shellfish. The shellfish will be transported to the Shellfish Purification Plant the next morning. No other shellfish will be transported with "hold over" shellfish.

15.) LANDING SITES: Landing sites shall be designated as follows:

Cashman Park Boating Ramp
Ring's Island Town Pier
Salisbury State Reservation Boating Ramp

It is at the discretion of the Shellfish Constable to assign a landing site. No more than one landing site shall be assigned on any one day when any conditionally restricted area is open to harvest within the City of Newburyport. The Shellfish Constable will notify the Massachusetts Division of Marine Fisheries' Shellfish Purification Plant each Friday with the proposed landing site schedule for the following week. Changes in the landing site schedule by the Shellfish Constable may be made with the approval of Massachusetts Division of Marine Fisheries. The Shellfish Constable will notify the Massachusetts Office of Environmental Law Enforcement on changes in the landing site schedule. It is the responsibility of the City of Newburyport to arrange the use of designated landing sites not under city control.

16.) RESOURCE MANAGEMENT: The City of Newburyport may assess shellfish areas to determine the extent of the shellfish resource. The Massachusetts Division of Marine Fisheries may, as time permits, assist in the resource assessment. The results will be used as a

recommendation to the Newburyport Mayor. Based upon recommendations, the Newburyport Mayor, with the approval of Massachusetts Division of Marine Fisheries, may institute a management closure of a shellfish area, or portion there of, in accordance with the MGL Chapter 130, Section 52 & 54. The Massachusetts Division of Marine Fisheries reserves the right to institute public health closures in accordance with MGL Chapter 130, Sections 74 &74A.

17.) PENALTIES: Whoever violates any provision made under the authority of this management plan shall be subject to the penalties established by the City of Newburyport and in accordance with the MGL Chapter 130.

18.) CHANGES AND REVIEW: This plan shall be reviewed annually by the Massachusetts Division of Marine Fisheries and the Shellfish Constable. Changes may be made at any time upon written request and mutual concurrence of a majority of the Newburyport City Council and Massachusetts Division of Marine Fisheries.

19.) SEVERABILITY: In the event any provision, section, or clause of these rules and regulations is found to be invalid, it shall not affect the validity of the remaining rules and regulations. Should this agreement become burdensome or unmanageable to either party, the agreement may be canceled upon 30 days written notice.

Approved:

City of Newburyport

_____ Date _____

Donna D. Holaday, ***Mayor***

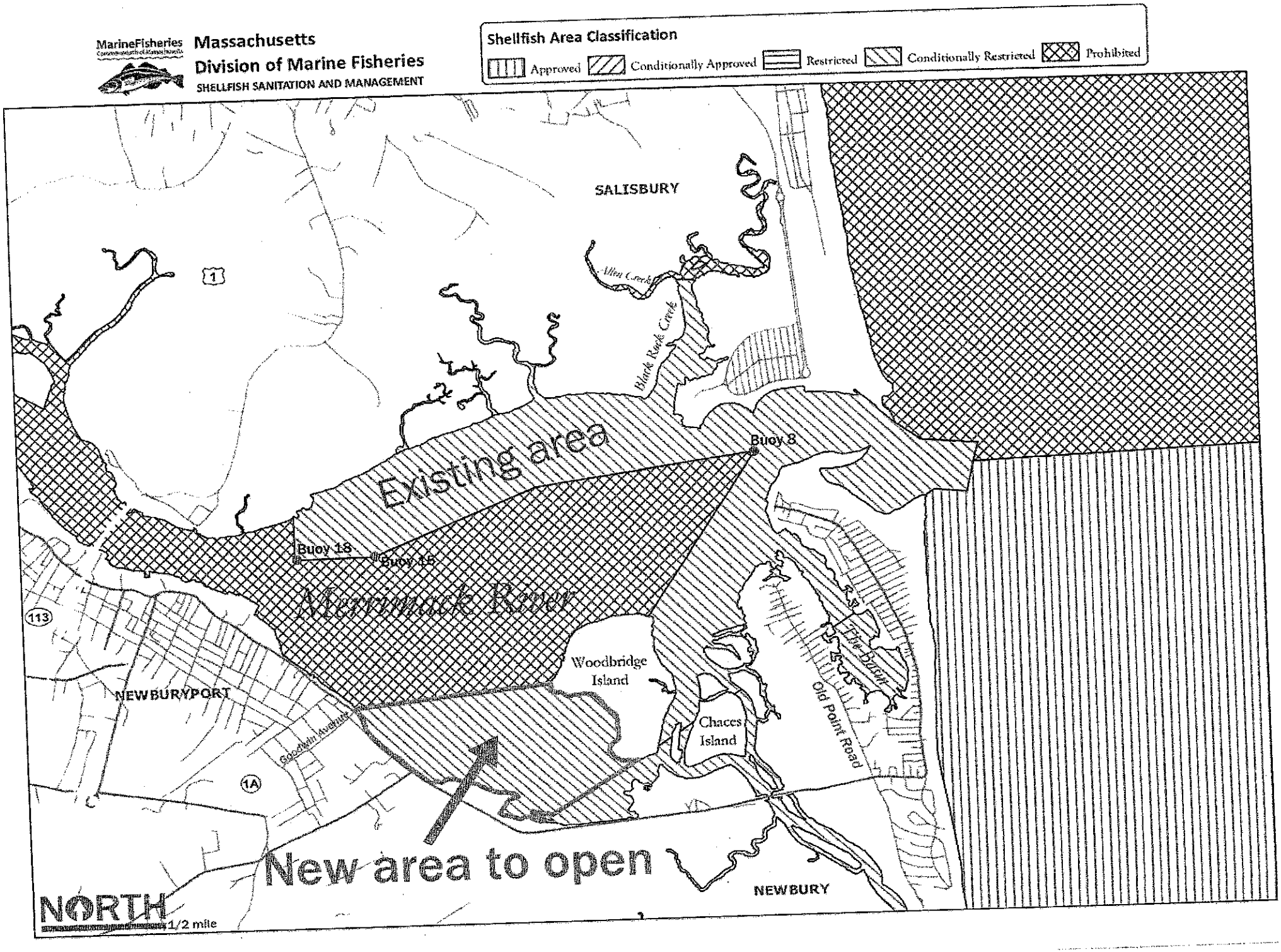
_____ Date _____

Paul Hogg, ***Shellfish Constable***

Massachusetts Division of Marine Fisheries

_____ Date _____

Paul J. Diodati, ***Director***


MarineFisheries
Massachusetts
Division of Marine Fisheries
SHELLFISH SANITATION AND MANAGEMENT
Shellfish Area Classification
Approved
Conditionally Approved
Restricted
Conditionally Restricted
Prohibited
SALISBURY
Allen Creek
Black Rock Creek
Existing area
Buoy 8
Buoy 18
Buoy 15
Merrimack River
Woodbridge Island
Chaces Island
Old Point Road
The Bight
NEWBURYPORT
Goodwin Avenue
New area to open
NEWBURY
NORTH
1/2 mile
1
113
1A