

CITY COUNCIL MEETING AGENDA - VERSION 1

June 10, 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

May 28, 2013

(Approve)

7. TRANSFERS

1. Youth Svcs Sub Abuse Grant \$12,000 to Drug Free Communities Grant \$12,000 (B&F)
2. Hlth Engy/Recyc Solid Wste Fee \$19,999.88 to Hlth Dept Sal En/Recyc Coord \$19,999.88 (B&F)
3. DPS Water Ret'd Earnings \$540,000 to FY14 Budget Reserve \$540,000 (B&F)
4. DPS Sewer Ret'd Earn \$835,000 to FY14 Budget Reserve \$835,000 (B&F)

8. COMMUNICATIONS

1. Block Party, Anna Jaques Hospital, July 29, 2013, Highland Ave/Lafayette Streets (Approve)
2. Block Party, Fred & Kathleen Habib, June 15, 2013, Butler St. from Merrimack St (Approve)
3. Block Party, Donna Rosenbaum, July 27, 2013, Ocean Street (Approve)

9. APPOINTMENTS - First Reading

- | | | | |
|----------------------|------------------|------------------------------|-------------|
| | | Appointment | |
| 1. Byron M. Getchell | 14 Milk Street | Tree Commission | May 1, 2016 |
| | | Re-Appointment | |
| 1. Judith C. Grohe | 14 Strong Street | Community Preservation Comm. | May 1, 2016 |

END OF CONSENT AGENDA

REGULAR AGENDA

10. APPOINTMENTS - Second Reading

- | | | | |
|----------------------|-------------------|---------------------------------|--------------|
| | | Re-Appointment | |
| 2. Margaret Welch | 82 Curzon Mill Rd | Historical Commission | May 31, 2016 |
| 3. Paul Healy | 8 N Street | Conservation Commission | May 31, 2016 |
| 4. Paul Healy | 8 N Street | Community Preservation Act Comm | May 31, 2016 |
| 5. Donald F. Little | 6 Cottage Court | Community Preservation Act Comm | May 1, 2016 |
| 6. Donald B. Walters | 15 Smith Street | Planning Board | May 31, 2018 |

11. ORDER

1. Tabled - Resolution Clean Air Act
2. Resolution Special Legislation to create Board of Water and Sewer Commissioners
3. Community Preservation Committee FY14 Appropriations
4. Acceptance of MGL Ch 40 Sec 13D Reserve Fd compensated absences

12. ORDINANCES

1. Amend ORD Ch 13 Ar. IV Div. 4 Sec. 13-136 Stop Intersection Goodwin Ave

13. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Mid-Year Report
2. DPS-Sewer I/I Reduction Prog. \$100,000 to CIP-Plum Island Alarm Syst \$100,000 *09/10/2012
3. Mayor Gen Fd Free Cash \$156,361.20 to Snow & Ice Exp, \$139,132.42 to Snow & Ice Labor \$14,228.78 *05/13/2013
4. Mayor Gen Fd Free Cash \$4,900 to Park Maintenance \$4,900 *05/13/2013
5. Order FY2014 Budget *05/13/2013
6. Mayor Gen Fd Free Cash \$120,778.55 to Fire Ret Exp \$114,652.71, COA Ret Exp \$1,004.72, Library Ret Exp \$5,121.12 *05/28/2013
7. DPS Water Ret'd Earn \$410,133 to CIP-DPS Bldg \$250,000, to CIP WTR Main Rep \$100,000, to CIP Meter Rep Prog \$50,000, to CMMS \$10,133 *05/28/2013
8. DPS Water Modification of DPS Bldg \$33,000 to CIP HVAC Improvements \$33,000 *05/28/2013
9. DPS Sewer Ret'd Earn \$610,133 to CIP Vacuum Truck Pur \$200,000, CIP DPS Bldg \$350,000, to CIP Meter Rep Prog \$50,000, to CMMS \$10,133 *05/28/2013
10. DPS Sewer CIP Clarifiers \$100,000 to CIP WWTF Fence \$100,000 *05/28/2013
11. DPS Sewer Sew Prim Clarifiers \$100,000 to CIP WWTF Fence \$100,000 *05/28/2013
12. DPS Sewer Mod of DPS Bldg \$33,000 to CIP HVAC Improvements \$33,000 *05/28/2013
13. DPS Highway Gen Fd Free Cash \$10,134 to CMMS \$10,134 *05/28/2013
14. Amend ORD Sec. 2-392 Interest on Water and Sewer Bills *05/28/2013

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

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

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. Open Space & Recreation Plan Update – Final Plan *03/26/2013
4. 2013 Demolition Delay *03/26/2013

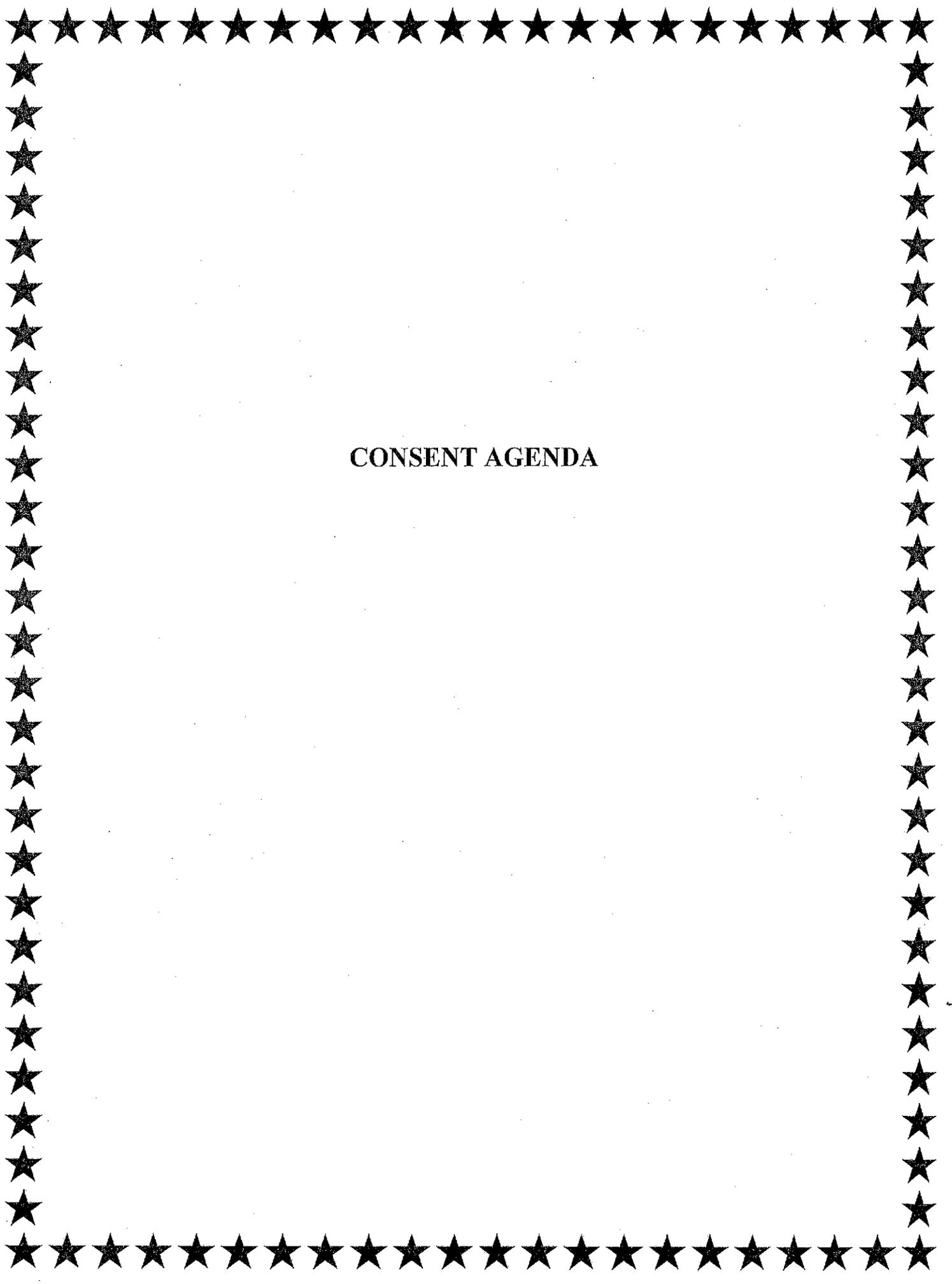
Public Safety

In Committee:

1. Amend Ord. 10-9 Miscellaneous offenses – use or consumption of marijuana *11/28/2011
2. Amend Ord. 13-180 Parking Resident Harris St. *01/30/2012
3. Community Giving Tree of Boxford donation box *04/30/2012
4. Order Yankee Homecoming Parade *06/25/2012
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
9. Children's Fun Run June 30, 2013 Bromfield, Purchase, Madison, Hancock Streets *05/28/2013
10. Amend ORD Sec. 13-121 One way streets add Court St. *05/28/2013

14. GOOD OF THE ORDER

15. ADJOURNMENT



CONSENT AGENDA

REGULAR AGENDA

7. COMMUNICATIONS

6. LATE FILE – Outdoor Seating Middle Street Foods

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

8. APPOINTMENTS - Second Reading

Re-Appointment

- | | | | |
|------------------------|-------------------|-----------------------------|---------------|
| 6. Kevin D. Hunt | 14 Tenth Street | Director Veteran's Services | April 1, 2014 |
| 7. Paul J. Rooney, Jr. | 161 Northern Blvd | Harbor Commission | May 31, 2016 |

Motion to approve second reading collectively by Councillor Cronin, seconded by Councillor Earls. So voted.

9. ORDERS

1. Resolution Clean Air Act

Motion to Table by Councillor Connell, seconded by Councillor Herzog. 10 yes, 1 absent (Sullivan). So voted.

10. ORDINANCES

1. 2nd Reading Amend Zon. Ord. Sec. V add V-6 Temp Moratorium on Med Marijuana Trtmt Ctr

Motion to approve second reading by Councillor Jones, seconded by Councillor Connell. Roll call vote, 10 yes, 1 absent (Sullivan). So voted.

2. Amend ORD Sec. 13-121 One way streets add Court St.

Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Derrivan. 9 yes, 1 no (Jones), 1 absent (Sullivan). So voted.

3. Amend ORD Sec. 2-392 Interest on Water and Sewer Bills

Motion to refer to Budget & Finance by Councillor Cameron, seconded by Councillor Hutcheson. 7 yes, 3 no (Earls, Jones, O'Brien), 1 absent (Sullivan). So voted.

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

Motion to refer to Gen'l Gov't by Councillor Earls, seconded by Councillor Jones. So voted.

5. Amend ORD Sec. 2-29 Special Meetings

Motion to refer to Gen'l Gov't by Councillor Earls, seconded by Councillor Jones. So voted.

6. Amend ORD Sec. 2-62 Residency requirement

Motion to refer to Gen'l Gov't by Councillor Earls, seconded by Councillor Jones. So voted.

7. Amend ORD Sec. 2-126 Salary of elected officials

Motion to refer to Gen'l Gov't by Councillor Jones, seconded by Councillor Earls. So voted.

8. Amend ORD Sec. 2-128 Departmental records to be kept; employee records

Motion to refer to Gen'l Gov't by Councillor Jones, seconded by Councillor Earls. So voted.

9. Amend ORD Sec. 5-42 Term of office

Motion to refer to Gen'l Gov't by Councillor Jones, seconded by Councillor Earls. So voted.

10. Amend ORD Sec. 2-273 Removal for cause

Motion to refer to Gen'l Gov't by Councillor Earls, seconded by Councillor Derrivan. So voted.

11. COMMITTEE ITEMS

License & Permits

In Committee:

1. Middle Street Foods New Outdoor Seating Application

*05/13/2013

Motion to remove from committee by Councillor Earls, seconded by Councillor Derrivan. Motion to approve by Councillor Earls, seconded by Councillor Derrivan. So voted.

Public Safety

In Committee:

1. Amend Ord. 10-9 Miscellaneous offenses – use or consumption of marijuana

*11/28/2011

2. Amend Ord. 13-180 Parking Resident Harris St.

*01/30/2012

3. Community Giving Tree of Boxford donation box *04/30/2012
4. Order Yankee Homecoming Parade *06/25/2012
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

Councillor Cronin reported that the Council cannot act on the Turkey Hill traffic at this time. He will draft a letter to the Mayor for Mass DOT.

8. Amend Sec. 13-176.1 30 minutes High St. from Ashland St. and west *04/29/2013
9. Coastal Trails Coalition Slow Bike Race Fundraiser July 31, 2013 *05/13/2013

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

12. GOOD OF THE ORDER

Councillor Herzog thanked Kevin Hunt for a great job with the Memorial Day activities.

Councillor Earls stated that the Committee for an Open Waterfront (COW) left a document regarding the Waterfront Park at the City Clerk's office for review.

Councillor O'Brien requested a special City Council meeting on June 17, 2013 at 7:30pm per section 6-4 of the City Charter. Motion to approve by Councillor Earls, seconded by Councillor Cameron. 8 yes, 2 no (Heartquist, Hutcheson), 1 absent (Sullivan). So voted.

13. ADJOURNMENT

Motion to adjourn at 8:20pm by Councillor Derrivan, seconded by Councillor Herzog. So voted.

TRANSFERS



City of Newburyport

FY 2012

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

Department: Youth Services
Submitted by: Andrea Egmont Date Submitted: 6/3/2013

Transfer From:

Account Name: Substance Abuse Grant YTD Bal: \$12,000
Account Number: 01542007-57841 Trans In: \$ -
Amount: \$12,000.00 Trans Out: \$ -
Why are Funds Available: This is part of the required 125% match the city is responsible for.
The city is in year 8 of 10 years. The remainder of the match is done with in-kind funds.

Transfer To:

Account Name: Drug Free Communities Grant YTD Bal: \$ -
Account Number: 2501-49700 Trans In: \$ -
Amount: \$12,000.00 Trans Out: \$ -
Why are Funds Required: To cover the city's share of costs associated with Year 7 of the DFC Grant
The grant funds the work of the BEACON coalition including funding to the schools, police, youth
organizations and prevention campaigns.

Transfer To:

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

Transfer To:

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

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

Donna D. Holaday
William B. Squillace

Date: 6/4/13
Date: 6/4/13



City of Newburyport

FY 2013

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

Department: Health -Energy/Recycling

2013 JUN - 4 A 10: 41

Submitted by: Molly Ettenborough

Date Submitted: 6/3/2013

Transfer From:

| | | | |
|---|--|------------|-----------------------------|
| Account Name | <u>Solid Waste Fee</u> | YTD Bal: | <u>\$ 246,978.13</u> |
| Account Number: | <u>2747-000-510-59600</u> | Trans In: | <u> </u> |
| Amount: | <u>\$19,999.88</u> | Trans Out: | <u>\$ 30,000.00</u> |
| Why are Funds Available: | <u>Funded through compost sticker fees and recycling rebate.</u> | | |
| <u>This transfer is the standard method for moving funds from Reserve for Appropriations accounts into General Fund accounts.</u> | | | |

Transfer To:

| | | | |
|-------------------------|---|------------|-----------------------|
| Account Name | <u>Health Dept Salary Energy/Recycling Coor</u> | YTD Bal: | <u>\$ (15,659.13)</u> |
| Account Number: | <u>001-55-510-00-001-0000-51160</u> | Trans In: | <u>\$ 550.00</u> |
| Amount: | <u>\$19,999.88</u> | Trans Out: | <u>\$ -</u> |
| Why are Funds Required: | <u>To cover salary for Energy Recycling Coordinator for remainder of FY 2013.</u> | | |

Transfer To:

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

Transfer To:

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

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

Donna D. Holaday
William B. Squillace

Date: 6/4/13
Date: 6/4/13



City of Newburyport

FY 2013

BUDGET TRANSFER REQUEST

Transfer #3
June 10, 2013

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2013 JUN -L A 11: 20

Department: DPS - WATER

Submitted by: Anthony Furnari, Director

Date Submitted: 6/10/2013

Transfer From:

| | | | | |
|--------------------------|---|------------|----|-------------------|
| Account Name | <u>RETAINED EARNINGS</u> | YTD Bal: | \$ | <u>933,032.73</u> |
| Account Number: | <u>60-35900</u> | Trans In: | \$ | <u>-</u> |
| Amount: | <u>\$540,000.00</u> | Trans Out: | \$ | <u>423,938.54</u> |
| Why are Funds Available: | <u>In FY2013, the Department of Revenue certified Water Enterprise Fund Retained Earnings at \$1,356,971.</u> | | | |

Transfer To:

| | | | | |
|-------------------------|---|------------|----|----------|
| Account Name | <u>FY14 BUDGET RESERVE</u> | YTD Bal: | \$ | <u>-</u> |
| Account Number: | <u>60-32801</u> | Trans In: | \$ | <u>-</u> |
| Amount: | <u>\$540,000.00</u> | Trans Out: | \$ | <u>-</u> |
| Why are Funds Required: | <u>A transfer of \$540,000 is requested from Water Enterprise Fund Retained Earnings to fund the FY2014 Water Enterprise Fund Budget. This appropriation will assist the Water Commission in mitigating rate increases, which would be necessary to pass on to the ratepayers to service the debt related to the capital improvements at the Water Treatment Plant.</u> | | | |

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

Donna D Holaday
William B Squillace

Date: 6/9/13
Date: 5/30/13



City of Newburyport

FY 2013

BUDGET TRANSFER REQUEST

Transfer #4
June 10, 2013

RECEIVED
CITY'S OFFICE
NEWBURYPORT, MA

2013 JUN -4 A 11:20

Department: DPS - SEWER

Submitted by: Anthony Furnari, Director

Date Submitted: 6/10/2013

Transfer From:

| | | | |
|--------------------------|---|------------|-----------------|
| Account Name | <u>RETAINED EARNINGS</u> | YTD Bal: | \$ 1,245,164.87 |
| Account Number: | <u>61-35900</u> | Trans In: | \$ - |
| Amount: | <u>\$835,000.00</u> | Trans Out: | \$ 627,866.59 |
| Why are Funds Available: | <u>In FY2013, the Department of Revenue certified Sewer Enterprise Fund Retained Earnings at \$1,871,203.</u> | | |

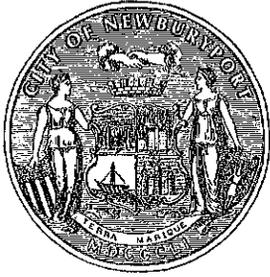
Transfer To:

| | | | |
|-------------------------|---|------------|------|
| Account Name | <u>FY14 BUDGET RESERVE</u> | YTD Bal: | \$ - |
| Account Number: | <u>61-32801</u> | Trans In: | \$ - |
| Amount: | <u>\$835,000.00</u> | Trans Out: | \$ - |
| Why are Funds Required: | <u>A transfer of \$835,000 is requested from Sewer Enterprise Fund Retained Earnings to fund the FY2014 Sewer Enterprise Fund Budget. This appropriation will assist the Sewer Commission in mitigating rate increases, which would be necessary to pass on to the ratepayers to service the debt related to the capital improvements at the Wastewater Treatment Facility.</u> | | |

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

Donna D Holaday
William B. Squillace

Date: 6/9/13
Date: 5/30/13



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR
60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: June 4, 2013

Re: Water/Sewer Budget Reserve Transfers

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

Three years later, both projects are on schedule and are now over 80% completion. From a financial standpoint, May 22, 2013 marked an important milestone as the City closed on the final series of debt issuance related to the projects. Committed at \$6.36 million and \$13.61 million for water and sewer, respectively, funds were borrowed at a 2.00% interest rate with a twenty year repayment term. With increasing debt repayments on the horizon, this memo comes at an important time as we finalize the FY2014 budget and the Water and Sewer Commissioners review rates for the coming fiscal year.

The FY2014 budgets for the Water and Sewer Enterprise Funds show a rise in debt service of \$846,419 and \$1,082,938. Respectively, these amounts represent increases of 100.8% and 91.1% over FY2013 debt service costs for water and sewer. With these significant increases, I am extremely mindful of the impact that such increases would have, should they be passed onto the ratepayers. As such, the purpose of the attached transfers is to mitigate the impact of rising debt service costs on ratepayers in the next fiscal year. As two large-scale capital projects simultaneously near completion, I am proud of the work that the staff, alongside the Water and Sewer Commissions, has done, not only to manage the projects, but to ensure that careful long-range planning is in place to alleviate the impact on the ratepayers.

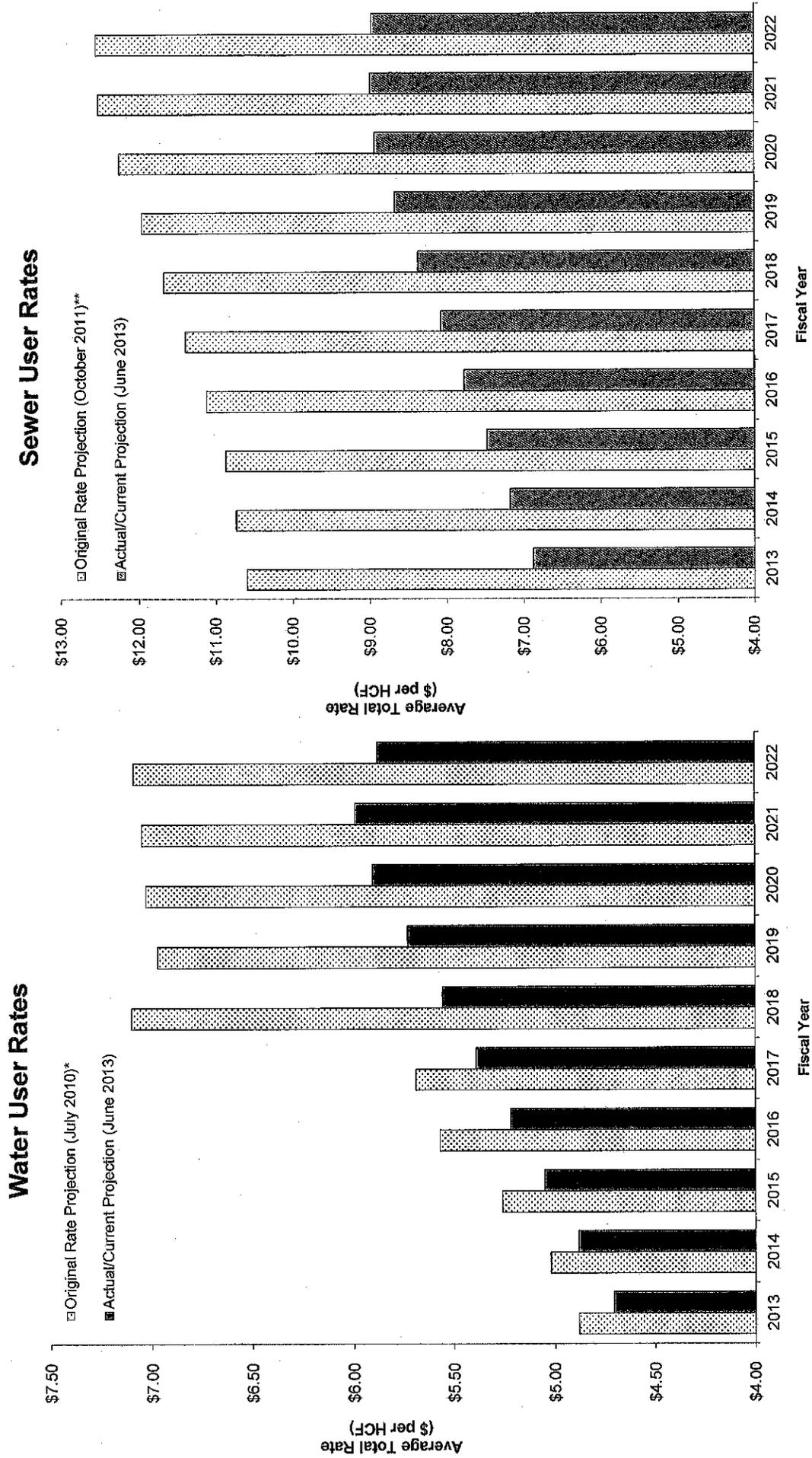
For water, the Water Commission recommends reserving \$540,000 in retained earnings for the purpose of stabilizing rates. For the typical household, instead of seeing an \$84 rise in water costs for next year, they will instead see an increase of \$13, or 3.1% from current rates. You may recall that Russell Consulting originally showed a total increase of \$88 per year for the

typical household to fund the WTP Project. This would have translated into a water user rate that is \$0.17/HCF greater than it is today and approximately \$0.14/HCF greater for FY2014.

For sewer, the Sewer Commission recommends reserving \$835,000 in retained earnings for the purpose of stabilizing rates. For the typical household, instead of seeing a \$142 rise in sewer costs for next year, they will instead see an increase of \$23, or 4.0% from current rates. You may recall that Weston & Sampson originally projected a total increase \$153 per year to fund the WWTF Project. This would have translated into a sewer user rate that is \$3.71/HCF greater than it is today and \$3.56/HCF greater for the next fiscal year. For FY2014, it is projected that the total sewer user rate will be \$7.18/HCF compared to the original Weston & Sampson projection of \$10.73/HCF.

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

Water/Sewer User Rates: Original versus Current Projection

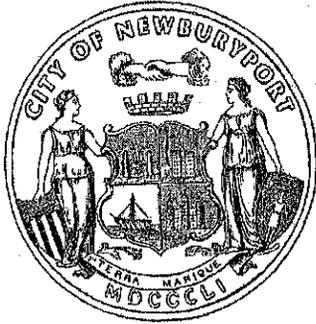


* City Council Presentation, July 22, 2010. Source: Russell Consulting Group.
 ** City Council Presentation, January 26, 2009; Updated October 17, 2011. Source: Weston & Sampson.

COMMUNICATIONS

Communication #1
June 10, 2013

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA



CITY OF NEWBURYPORT
60 PLEASANT STREET
NEWBURYPORT, MA 01950



BLOCK PARTY APPLICATION

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

DATE OF REQUEST: 5/30/13

CONTACT INFORMATION

FIRST AND LAST NAME: Sarah Gnerre, V.P. Development At Community Health Foundation
MAILING ADDRESS: 25 Highland Ave.
PHONE NUMBER: 978-463-1176
E-MAIL ADDRESS: sgnerre@ajh.org

BLOCK PARTY INFORMATION

BLOCK PARTY DATE: Monday, July 29, 2013

DESIRED STREET CLOSING LOCATION: Highland Avenue in front of ATH
Please indicate cross streets when requesting the closing of street sections
Lafayette Street to the entrance to the main parking lot.

STREET TO BE BARRICADED: Highland Avenue

DESIRED STREET CLOSING TIME: 4:30 pm
Block Parties should run no later than 10:00 p.m.

AMPLIFIED MUSIC: _____ YES _____ NO

REGULATIONS

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

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

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

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

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 of 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 act ivity may be conducted within 500 feet of any school, church, hospital, nursing home or similar operation unless endorsed by the management of such institution e
11. Onl y approved readily removable Barricades will be permitted such as, orange cones and sawhorses with a sign. No vehicles will permitted to be used as a Barricade.
12. Block parties are permitted 10AM -10PM

Applicant Signature

[Handwritten Signature]

Date

5/29/13

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHALL
 4 Green Street
 FIRE CHIEF
 Greenleaf Street
 DEPUTY DIRECTOR
 1 Perry Way
 CITY CLERK
 60 Pleasant St.

[Signature: Thomas Howard]

[Signature: William J. Shute]

[Signature: Alton Frost] General Foreman

[Signature]

City use only:

Approved _____

-Denied _____

Date _____



ANNA JAQUES
COMMUNITY HEALTH FOUNDATION

25 Highland Avenue, Newburyport, MA 01950

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2013 MAY 28 A 10: 23

May 24, 2013

Newburyport City Council
c/o Mr. Richard Jones, Clerk
City of Newburyport
60 Pleasant Street
Newburyport MA 01950

Dear Members of City Council,

On Monday, July 29, 2013 the Anna Jaques Community Health Foundation will be hosting the "2nd Annual Born@AJH Reunion" on the front lawn of Anna Jaques Hospital from 5 to 7 p.m. The Foundation is respectfully requesting permission from City Council for a block party closure. We would like to close the portion of Highland Avenue in front of the hospital (between the Highland Avenue entrance to the main parking lot and Lafayette Street) from 4:30 p.m. until no later than 7:30 p.m.

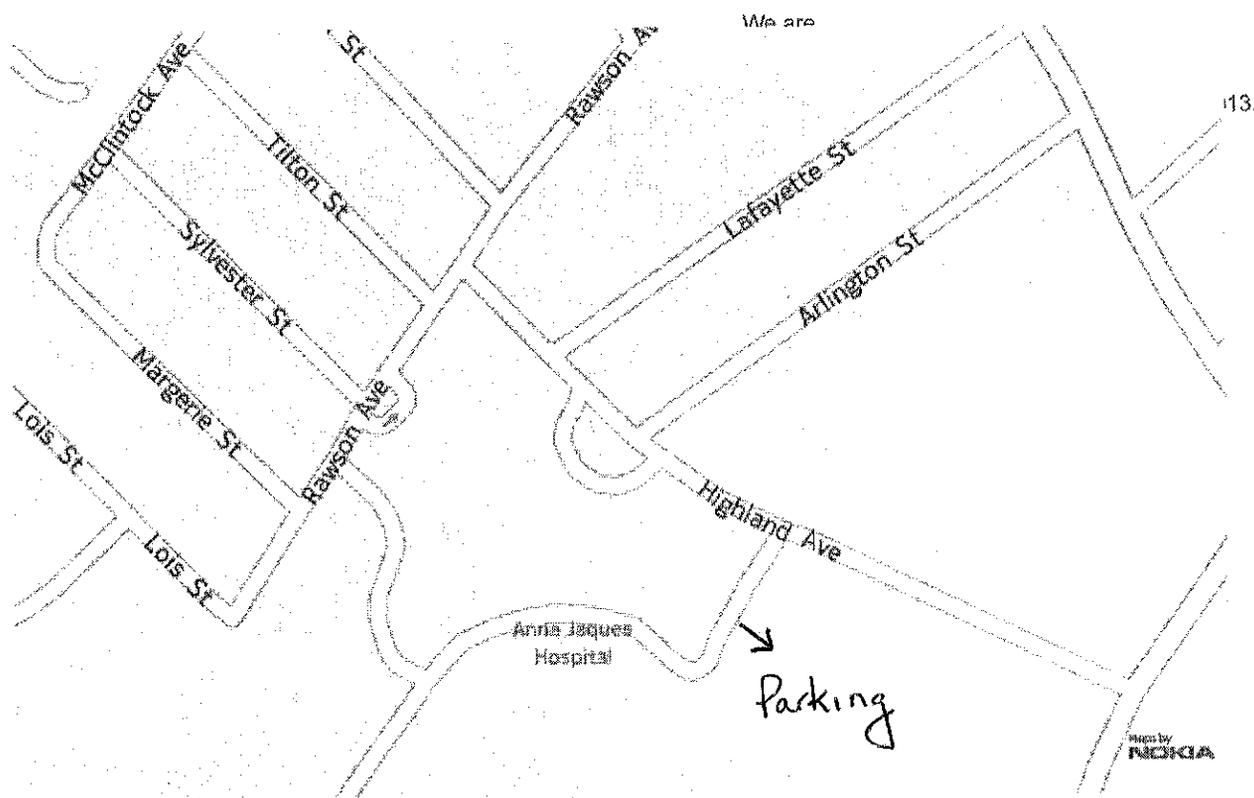
Those attending the event will be directed to park in the employee parking lot and walk to the front lawn of the hospital. Members of the Anna Jaques security force will be available to direct attendees from Highland Avenue to the parking area designated for this event.

Your anticipated support of this request is greatly appreciated. Should you have any questions, please contact me at 978-463-1176 or at sgnerre@ajh.org.

Sincerely,

Sarah J. Gnerre
Vice President, Development

YAHOO! MAPS



When using any driving directions or map, it is a good idea to double check and make sure the road still exists, watch out for construction, and follow all traffic safety precautions. This is only to be used as an aid in planning



Notes

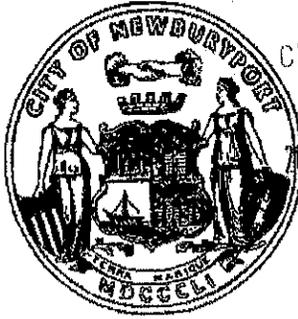
Empty notes box with a dashed border.

Map of:
25 Highland Ave
Newburyport, MA 01950-3867

BOOK TRAVEL with mapquest® (877)-577-5766



©2013 MapQuest, Inc. Use of directions and maps is subject to the MapQuest Terms of Use. We make no guarantee of the accuracy of their content, road conditions or route usability. You assume all risk of use. [View Terms of Use](#)



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

13 JUN -3 A 8:35



CITY OF NEWBURYPORT
60 PLEASANT STREET
NEWBURYPORT, MA 01950

BLOCK PARTY APPLICATION

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

| | |
|--|-----------------------------------|
| DATE OF REQUEST: | <u>5/25/2013</u> |
| CONTACT INFORMATION | |
| FIRST AND LAST NAME: | <u>Fred and Kathleen Habib</u> |
| MAILING ADDRESS: | <u>1 Butler St</u> |
| PHONE NUMBER: | <u>978.463.9129</u> |
| E-MAIL ADDRESS: | <u>thehabibs@comcast.net</u> |
| BLOCK PARTY INFORMATION | |
| BLOCK PARTY DATE: | <u>6/15/2013</u> |
| DESIRED STREET CLOSING LOCATION: | <u>Butler St from Merrimac St</u> |
| Please indicate cross streets when requesting the closing of street sections <u>to #6 Butler</u> | |
| STREET TO BE BARRICADED: | <u>Butler St</u> |
| DESIRED STREET CLOSING TIME: | <u>12pm - 5pm</u> |
| 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 *James H. [Signature]*

Date 5/25/2013

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHALL
4 Green Street

FIRE CHIEF
Greenleaf Street

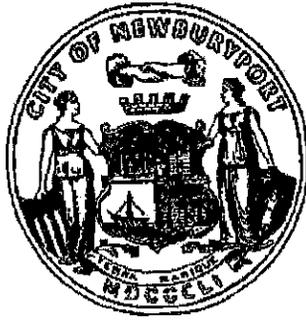
DEPUTY DIRECTOR
1 Perry Way

CITY CLERK
60 Pleasant St.

[Signature]
[Signature]
[Signature]
[Signature]

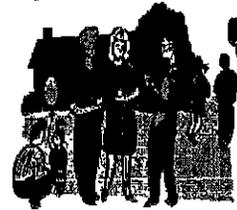
City use only:

Approved _____ -Denied _____ Date _____



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2013 JUN - 10 A 10:18



CITY OF NEWBURYPORT
60 PLEASANT STREET
NEWBURYPORT, MA 01950

BLOCK PARTY APPLICATION

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

DATE OF REQUEST: 6/3/13 ^{ms}

CONTACT INFORMATION

FIRST AND LAST NAME: DONNA ROSENBAUM

MAILING ADDRESS: 1 OCEAN STREET

PHONE NUMBER: ^{HM#} 978-463-3589

E-MAIL ADDRESS: DLKELLEY59@gmail.com

BLOCK PARTY INFORMATION

BLOCK PARTY DATE: 7/27/13

DESIRED STREET CLOSING LOCATION: OCEAN STREET
Please indicate cross streets when requesting the closing of street sections
NO CROSS STREETS

STREET TO BE BARRICADED: OCEAN STREET

DESIRED STREET CLOSING TIME: 2 PM - 7:00 PM
Block Parties should run no later than 10:00 p.m.

REGULATIONS

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

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

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

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

1. All residents living on the street or block for which the party is planned request the Block party, or have been contacted and do not object to the Block Party.
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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.**
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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 Mary Powell Date Jan. 4, 2013
 (neighbor of Donna Rosenbaum)

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.

16A

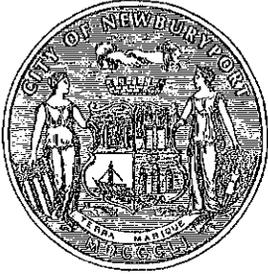
Thomas W. ...
 Dep STB 6/3/13
... 6/3/13
...

City use only:

Approved _____ -Denied _____ Date _____

APPOINTMENTS

Appointment #1
June 10, 2013



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

60 PLEASANT STREET - P.O. Box 65
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

2013 JUN - 4 P 2:01

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: June 4, 2013
Re: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Tree Commission. This term shall expire on May 1, 2016.

Byron M. Getchell
14 Milk Street
Newburyport, MA 01950

March 17, 2013

Ms. Donna D. Holaday, Mayo
City of Newburyport
City Hall
60 Pleasant Street
Newburyport, MA 01950

Dear Mayor Holaday:

Recent conversations with Deb Masia have focused on how I might be able to use my considerable green industry experience and education for the benefit of the City of Newburyport. An involvement with the Newburyport Tree Committee surfaced as a possibility. Previously I had been involved in the initial planning phase for the proposed tree nursery at Crow Lane.

At the invitation of Ed Taylor, I attended last Thursday's Tree Committee meeting. Although this was first interaction with the committee, I had no difficulty in immediately relating to their goals and objectives. I left the meeting with the feeling that this was the perfect fit for me.

Accordingly, I ask that I be given serious consideration for membership on the Newburyport Tree Committee. I have enclosed a summary of my educational and professional experience.

I thank you for your consideration.

Sincerely yours,



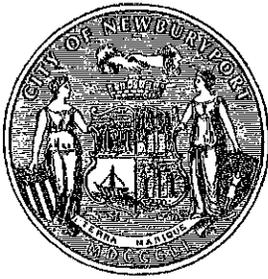
Byron M. Getchell
14 Milk Street
Newburyport, MA 01950

**SUMMARY OF EDUCATIONAL AND PROFESSIONAL EXPERIENCE RELATING
TO THE GREEN INDUSTRY**

**Byron M. Getchell
14 Milk Street
Newburyport, MA**

- Graduate University of Massachusetts, BS, Plant and Soil Science**
- Radcliffe College, Radcliffe Seminars Program in Landscape Design,
(both as student and lecturer)**
- Harvard Graduate School of Landscape Design, course enrollment**
- Guest lecturer Arnold Arboretum**
- Over ten years experience as a project manager for large landscape contractors**
- Massachusetts Certified Horticulturist (MCH)**
- Massachusetts Certified Landscape Professional (MCLP)**
- Over fifteen years as a manager at Northeast Nursery, Peabody, MA**

Re-Appointment #2
June 10, 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 JUN -3 P 1:56

To: President and Members of
the City Council

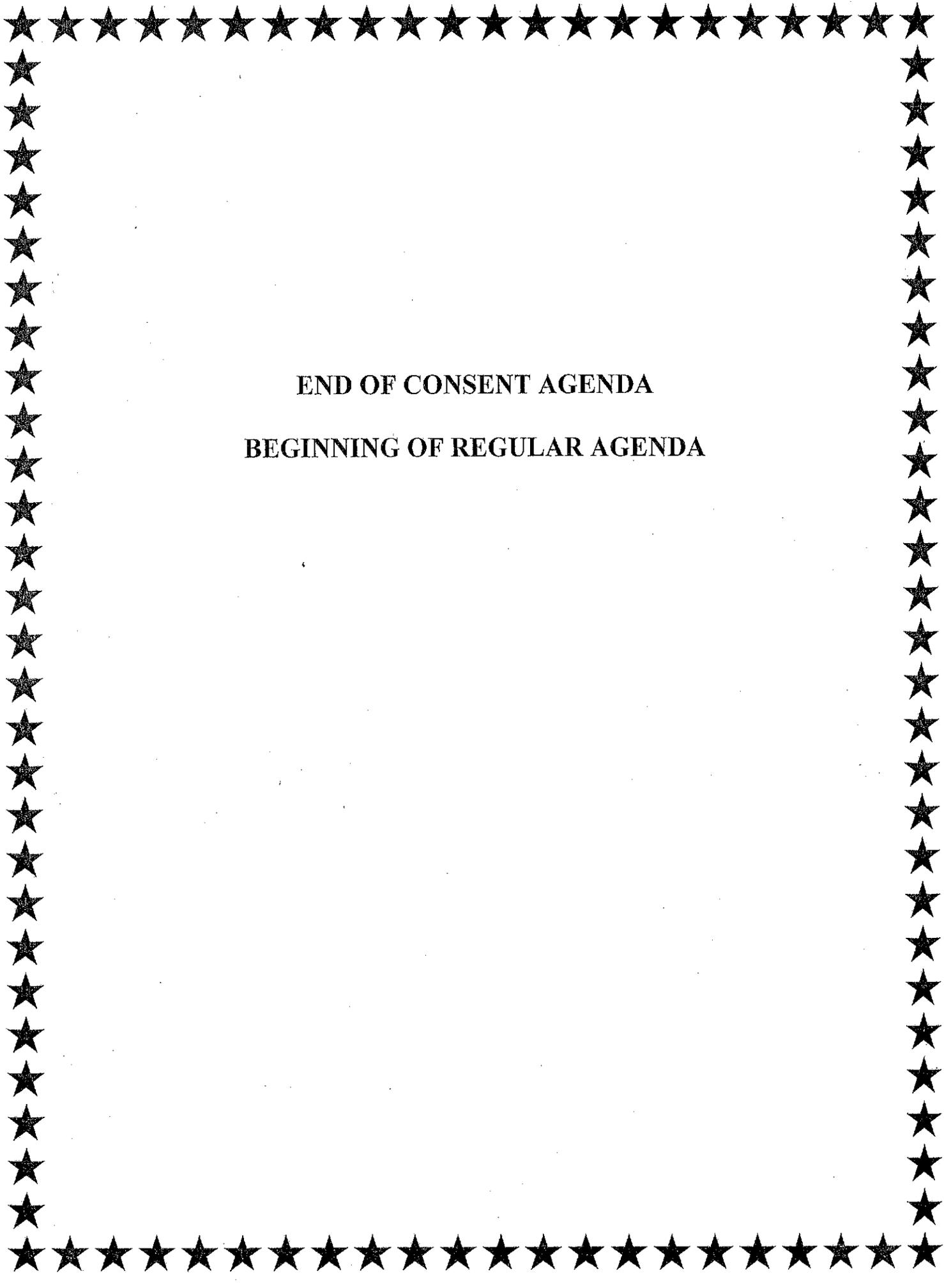
From: Donna D. Holaday, Mayor

Date: June 3, 2013

Subject: Re-Appointment

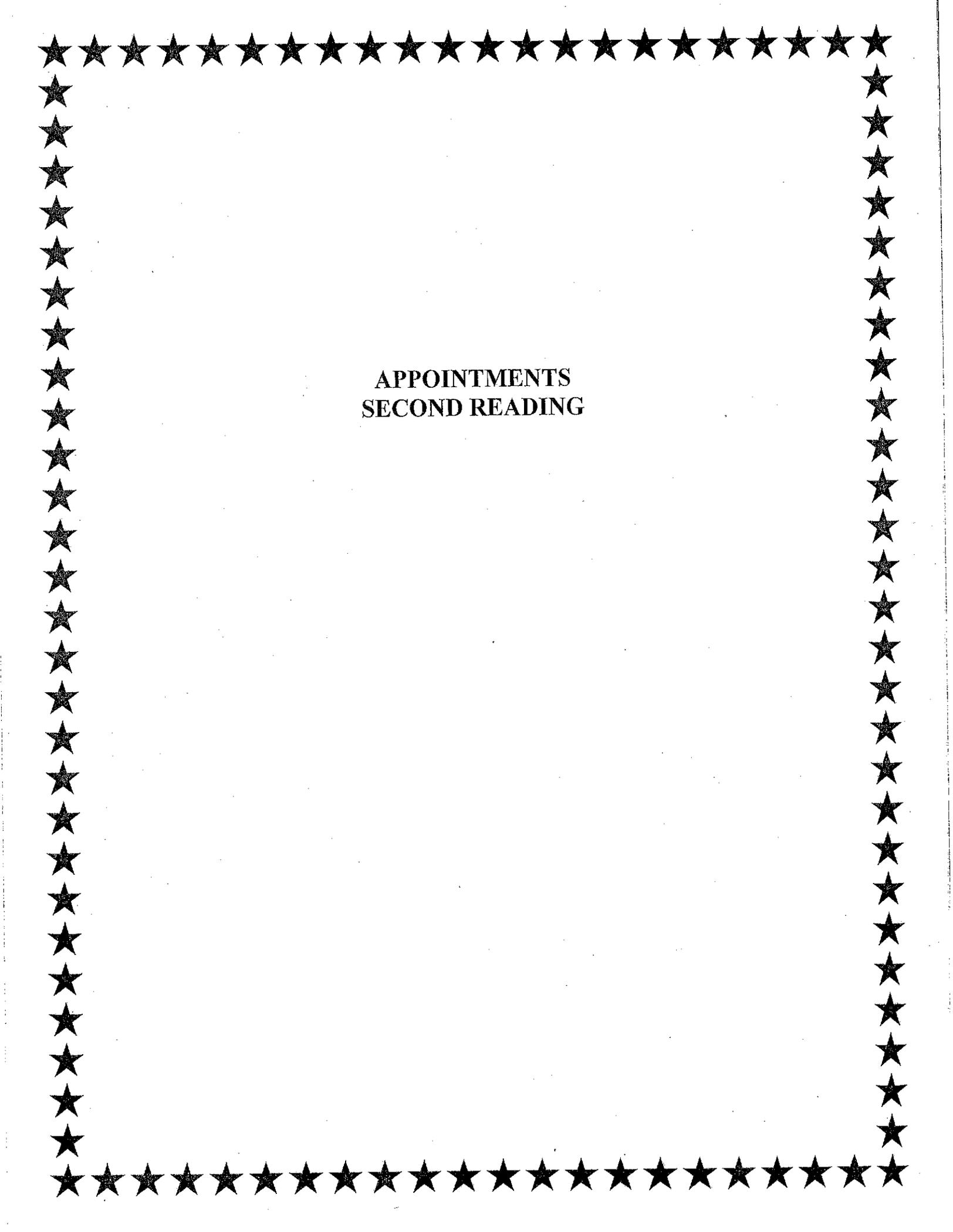
I hereby re-appoint, subject to your approval, the following named individual as a member of then Community Preservation Committee. This term will expire on May 1, 2016.

Judith C. Grohe
14 Strong Street
Newburyport, MA 01950



END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA



**APPOINTMENTS
SECOND READING**

MAYOR'S APPOINTMENTS
June 10, 2013
SECOND READING

Re-Appointment

| | | | |
|----------------------|-------------------|---------------------------------|--------------|
| 1. Margaret Welch | 82 Curzon Mill Rd | Historical Commission | May 31, 2016 |
| 2. Paul Healy | 8 N Street | Conservation Commission | May 31, 2016 |
| 3. Paul Healy | 8 N Street | Community Preservation Act Comm | May 31, 2016 |
| 4. Donald F. Little | 6 Cottage Court | Community Preservation Act Comm | May 1, 2016 |
| 5. Donald B. Walters | 15 Smith Street | Planning Board | May 31, 2018 |

In City Council May 28, 2013

Motion to approve the Consent Agenda by Councillor Cameron, seconded by Councillor Earls. 10 yes, 1 absent (Sullivan). So voted.

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

RESOLUTION

RESOLUTION OF THE CITY OF NEWBURYPORT TO THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY IN SUPPORT OF REDUCING GREENHOUSE GAS POLLUTION UNDER THE CLEAN AIR ACT

WHEREAS, the decade from 2000 to 2010 was the warmest on record¹, 2005 and 2010 tied for the hottest years on record²; and 2012 was the hottest year on record for the contiguous U.S.³; and

WHEREAS, the current level of CO₂ in the atmosphere is approximately 397 parts per million⁴ (ppm); and

WHEREAS, one of the world's leading climate scientists, Dr. James Hansen, stated in 2008: "If humanity wishes to preserve a planet similar to that on which civilization developed and to which life on Earth is adapted, paleoclimate evidence and climate change suggest that CO₂ will need to be reduced from its current 385 ppm to at most 350 ppm⁵; and

WHEREAS, the Environmental Protection Agency determined that current and future greenhouse gas concentrations endanger public health⁶, and according to the Global Humanitarian Forum climate change is already responsible every year for some 300,000 deaths, 325 million people seriously affected, and economic losses worldwide of U.S. \$125 billion⁷; and

WHEREAS, extreme weather events, most notably heat waves and precipitation extremes, are striking with increased frequency⁸, with deadly consequences for people and wildlife; in the United States in 2011 alone, a record 14 weather and climate disasters occurred, including droughts, heat waves, and floods, that cost at least \$1 billion each in damages and loss of human lives⁹; and

WHEREAS, climate change creates conditions that lead to more destructive storms like 2012's Superstorm Sandy¹⁰, by loading storms with more energy and more rainfall¹¹, raising sea levels and causing storm surge to ride on a higher sea surface so that more coastline floods¹², and warming the Arctic and melting sea ice, which causes changes in the jet stream that are bringing more extreme weather to the U.S.¹³; and

WHEREAS, climate change is affecting food security by reducing the growth and yields of important crops¹⁴; droughts, floods and changes in snowpack are altering water supplies¹⁵; as of October 2, 2012, 64.6 percent of the contiguous U.S. was experiencing moderate-to-exceptional drought¹⁶; and in 2012, the U.S. Department of Agriculture designated more than half (50.3 percent) of all U.S. counties disaster areas, mainly due to drought¹⁷; and

WHEREAS, scientists have concluded that by 2100 as many as one in 10 species may be on the verge of extinction due to climate change¹⁸; and

WHEREAS, the world's land-based ice is rapidly melting, threatening water supplies in many regions and raising sea levels¹⁹, and Arctic summer sea ice extent has decreased to about half what it was several decades ago²⁰, and reached a record low in 2012²¹, with an accompanying drastic reduction in sea-ice thickness and volume²², which is severely jeopardizing ice-dependent animals²³; and

WHEREAS, global sea level is rising 60 percent faster than projected by the Intergovernmental Panel on Climate Change²⁴; the U.S. East Coast is a hotspot for sea level rise with rates three to four times faster than the global average²⁵; sea level rise is accelerating in pace²⁶; and sea level could rise by one to two meters in this century, threatening millions of Americans with severe flooding²⁷; and

WHEREAS, for four decades, the Clean Air Act has protected the air we breathe through a proven, comprehensive, successful system of pollution control that saves lives and creates economic benefits exceeding its costs by many times²⁸; and

WHEREAS, with the Clean Air Act, air quality in this country has improved significantly since 1970, despite major growth both in our economy and industrial production; and

WHEREAS, between 1970 and 1990, the six main pollutants covered by the Clean Air Act — particulate matter and ground-level ozone (both of which contribute to smog and asthma), carbon monoxide, lead, sulfur and nitrogen oxides (the pollutants that cause acid rain) — were reduced by between 47 percent and 93 percent, and airborne lead was virtually eliminated; and

WHEREAS, the Clean Air Act has produced economic benefits valued at \$2 trillion or 30 times the cost of regulation; and

WHEREAS, the U.S. Supreme Court ruled in *Massachusetts vs. EPA* (2007) that greenhouse gases are “air pollutants” as defined by the Clean Air Act and the Environmental Protection Agency has the authority to regulate them; and

WHEREAS, The city of Newburyport prides itself on being a leader in the fight against climate change and for clean air.

NOW THEREFORE BE IT RESOLVED, that climate change is not an abstract problem for the future or one that will only affect far-distant places but rather climate change is happening now, we are causing it, and the longer we wait to act, the more we lose and the more difficult the problem will be to solve; and we, the Newburyport City Council, on behalf of the residents of Newburyport, do hereby urge the administrator of the Environmental Protection Agency and President Barack Obama to move swiftly to fully employ and enforce the Clean Air Act to do our part to reduce carbon in our atmosphere to no more than 350 parts per million.

BE IT FURTHER RESOLVED that the City Clerk shall forward a copy of this resolution To the Administrator of the Environmental Protection Agency and President Barack Obama.

Councillor Barry N. Connell

In City Council May 28, 2013

Motion to Table by Councillor Connell, seconded by Councillor Herzog. So voted.

Order #2
June 10, 2013

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
City of Newburyport

IN CITY COUNCIL 2013 JUN -4 A 9:40

ORDERED:

Date:

**RESOLUTION AUTHORIZING THE SUBMISSION OF SPECIAL
LEGISLATION TO CREATE A BOARD OF WATER AND SEWER
COMMISSIONERS IN THE CITY OF NEWBURYPORT**

WHEREAS, the operation of the City's water system is currently overseen by a Board of Water Commissioners pursuant to the provisions of Chapter 403 of the Acts of 1908, "An Act Relative to the Water Supply of the City of Newburyport", as amended by Chapter 56 of the Acts of 1956, "An Act relative to Water Supply in the City of Newburyport"; and

WHEREAS, the operation of the City's sewer system is currently overseen by a Board of Sewer Commissioners pursuant to the provisions of Chapter 261 of the Acts of 1963, "An Act Authorizing the city of Newburyport to Construct and operate a System or Systems of Sewerage and Sewage Disposal"; and

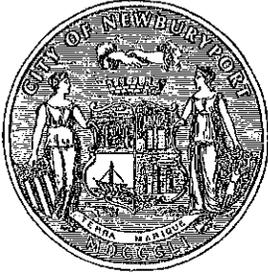
WHEREAS, the City seeks to consolidate the functions of these boards through the creation of a Board of Water and Sewer Commissioners to oversee both the City's water and sewer operations.

NOW, THEREFORE, BE IT RESOLVED by the Newburyport City Council that the Mayor is hereby authorized to petition the General Court to adopt special legislation seeking the creation of a Board of Water and Sewer Commissioners in the City of Newburyport; and further that the General Court may only make clerical or editorial changes of form to the bill, unless the Mayor approve amendments to the bill before enactment by the General Court; and further that the Mayor is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition.

Thomas F. O'Brien, Council President

Approve: _____
Donna D. Holaday, Mayor

Attest: _____
Richard B. Jones, City Clerk



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 O'Brien & City Councilors

Date: June 4, 2013

RE: Supportive Memo from Kopleman & Page on the Consolidation of Sewer and Water Commission

The City has expressed an interest in combining the functions of the City's Board of Sewer Commissioners and Board of Water Commissioners in order to streamline the authority and functions of those Boards. In order to effectuate such a consolidation, we prepared special legislation creating a combined Board of Water and Sewer Commissioners. As you are aware, the existing Boards were created through separate special acts applicable to the City of Newburyport.

The Board of Water Commissioners was created by the enactment of Chapter 403 of the Acts of 1908 as amended by Chapter 56 of the Acts of 1956 (hereinafter the "Water Act") and the Board of Sewer Commissioners was created by the enactment of Chapter 261 of the Acts of 1963 (hereinafter the "Sewer Act"). The Water and Sewer Acts each address the composition of the respective Boards and delineate the duties and responsibilities of each with regard to the provision of water and sewer services to the City. Thus, in my opinion, any change to the current form of governance of water and sewer services will require a further special act of the General Court. I understand that there is particular concern regarding the possibility that a change in the nature of the existing boards would jeopardize the City's ability to obtain water from, and extend water service to, the Town of Newbury, and have therefore sought to craft the amendments to the existing special acts narrowly so as to accomplish the goal of consolidation. You have also indicated that you believe water and sewer services would best be managed by a consolidated board of five members and two alternates, to be appointed by the Mayor, subject to confirmation by the City Council.

To provide for minimal disturbance of the existing authority and infrastructure, the proposed special act creates the consolidated board and revises rather than replaces in whole, the Water Act and the Sewer Act. The proposed special act replaces, in each case, the existing board with the consolidated Board of Water and Sewer Commissioners.

Section 1 creates the consolidated board and indicates that such board shall have the powers and duties of the existing boards under both the Water Act and Sewer Act.

Section 2 amends the Sewer Act by deleting the section creating the Board of Sewer Commissioners, and inserting in place thereof a new section detailing the size and manner of appointment of the combined board and its authority. The new language also incorporates certain provisions found in the Water Act, including that no elected official of the City may be appointed to the consolidated board, allowing for removal of members after the opportunity for a hearing, addressing reorganization of the board, and providing that no compensation shall be provided in exchange for services unless approved by a 2/3 vote of the City Council. Finally,

Section 2 requires that the consolidated board provide for an annual accounting and make its books available to the Finance Director.

Section 3 amends the Water Act in the same manner. The provisions of Section 2 and Section 3 are virtually identical, other than making reference to the powers and duties of the consolidated board under the other act (i.e., the Water Act will refer to the Sewer Act, and vice versa).

Sections 4 and 5 make ministerial revisions to the Water Act to incorporate references to the "board of water and sewer commissioners" rather than just to the "water commissioners".

Section 6 provides that upon appointment and qualification of the members of the consolidated board, the separate water and sewer boards will be abolished and the terms of persons then holding such offices terminated. It also provides for initial appointments to the consolidated board to be made so as to provide for rotating terms, with two members to be appointed for three years, two members for two years, and one member for one year, as well as appointment of one alternate for two years and one for one year.

Section 7 is essentially a "continuation of government" provision, providing that the new board is the lawful successor to the boards abolished by action of the special act, clarifying that any contracts and liabilities incurred by the boards so abolished shall not be affected, and providing for the transfer of any records, property and equipment to the combined board.

Section 8 provides that the act will take effect upon passage.

As you know, pursuant to the Massachusetts Constitution, a petition for a special act may be filed only upon approval "by the voters of a city . . . or the mayor and city council . . . with respect to a law relating to that city . . ." Thus, the voters of a City with an initiative petition process provided for by charter may approve a request for special legislation in the manner provided for in the charter. In the alternative, a petition for special legislation may be approved by majority vote of the City Council and the Mayor. Past House and Senate Counsels have recommended that municipalities consider the manner in which their request to the General Court is made. For example, a petition for special legislation could be voted for submission "exactly" or "precisely" as follows, or could authorize the General Court to make clerical or editorial changes of form only. In either case, if substantive amendments are sought by the General Court, the amended legislation would need to be approved by the City Council before the General Court could enact the same.

Also, be aware that although there is no requirement in the Massachusetts Constitution or state law that a special act be approved by the voters at an election, there are times when the General Court encourages municipalities to include in a special act such a "voter acceptance" provision. Commonly, the General Court will request that such a provision be inserted when the equivalent of a so-called "major" charter amendment is being considered, such as a change in the manner of selection, size, or term of the municipality's legislative body or chief administrative or executive official. Other instances where such a provision has been required include those when the terms of elected officials will be cut short or elected positions abolished. While none of these circumstances are present in this case, it is nevertheless possible that General Court may request the City to include a voter acceptance provision in the special act where the terms of appointed officials, whose appointments are provided for by law, will be prematurely terminated.

Mark R. Reich, Esq.
Kopelman and Paige, P.C.

101 Arch Street
12th Floor
Boston, MA 02110
(617) 556-0007 (voice)
(617) 654-1735 (fax)
mreich@k-plaw.com

Note: On May 29th, 2013 the Water and Sewer Commissioners voted unanimously to support the consolidation of the Water and Sewer Commissions.

An Act Creating a Board of Water and Sewer Commissioners in the City of Newburyport

Section 1. Notwithstanding the provisions of any general or special law to the contrary, there shall hereby be established in the city of Newburyport a board of water and sewer commissioners consisting of five members and two alternates appointed for three year terms by the mayor, subject to confirmation by the city council. Such board shall have all duties and responsibilities assigned originally to the board of sewer commissioners established under chapter 261 of the acts of 1963, "An Act Authorizing the city of Newburyport to Construct and operate a System or Systems of Sewerage and Sewage Disposal," and to the board of water commissioners established under chapter 403 of the acts of 1908, "An Act Relative to the Water Supply of the City of Newburyport", as amended by chapter 56 of the acts of 1956, "An Act relative to Water Supply in the City of Newburyport".

Section 2. Chapter 261 of the acts of 1963 is hereby amended by deleting section 4 in its entirety and inserting in place thereof the following:- The powers and duties granted to and imposed upon the city by this act shall, except the power of borrowing money, be exercised by a board of water and sewer commissioners consisting of five regular and two alternate members of the city, to be appointed by the mayor, subject to confirmation by the city council, for three-year rotating terms, hereinafter called the board. All members shall hold office, unless sooner removed, until their successors are appointed and qualified. Vacancies shall be filled for the remainder of the term in the same manner as the original appointment. No person shall be appointed to the board who holds at the time any elected city office. Any member, after notice and opportunity for a hearing, may be removed by the mayor. Such board shall have all the powers and duties provided for hereunder, as well as those powers and duties provided for under chapter 403 of the acts of 1908, as amended by chapter 56 of the acts of 1956. The board shall annually choose a chairman and a secretary; provided, however, that such board may reorganize at any time at its discretion. The board members shall receive no compensation for their services unless an appropriation is made therefor by a 2/3 vote of the city council. Said board shall annually, and as often as the city council shall require, render an account of its official acts; and the board's books and accounts shall be open to the inspection of the finance director at any time.

Section 3. Chapter 403 of the acts of 1908 is hereby amended by deleting section 10 in its entirety and inserting in place thereof the following:- The powers and duties granted to and imposed upon the city by this act shall, except the power of borrowing money, be exercised by a board of water and sewer commissioners consisting of five regular and two alternate members of the city, to be appointed by the mayor, subject to confirmation by the city council, for three-year rotating terms, hereinafter called the board. All members shall hold office, unless sooner removed, until their successors are appointed and qualified. Vacancies shall be filled for the remainder of the term in the same manner as the original appointment. No person shall be appointed to the board who holds at the time any elected city office. Any member, after notice and opportunity for a hearing may be removed by the mayor. Such board shall have all the powers and duties provided for hereunder, as well as those powers and duties provided for under chapter 261 of the acts of 1963. The board shall annually choose a chairman and a secretary; provided, however, that such board may reorganize at any time at its discretion. The board members shall receive no compensation for their services unless an appropriation is made therefor by a 2/3 vote of the city council. Said board shall annually, and as often as the city

council shall require, render an account of its official acts; and the board's books and accounts shall be open to the inspection of the finance director at any time.

Section 4. Section 11 of said chapter 403 of the acts of 1908, as amended by chapter 56 of the acts of 1956, is further amended by deleting in said section 11, the words "water commissioners" and inserting in place thereof the following:- water and sewer commissioners.

Section 5. Section 12 of said chapter 403 of the acts of 1908, as amended by chapter 56 of the acts of 1956, is further amended by deleting the word "commissioners" and inserting in place thereof the following:- water and sewer commissioners.

Section 6. Upon the appointment and qualification of the board of water and sewer commissioners created by section 1 of this act, the board of sewer commissioners created under chapter 261 of the acts of 1963 and the board of water commissioners created under chapter 403 of the acts of 1908, as amended by chapter 56 of the acts of 1956, shall be abolished, and the terms of the persons holding such offices terminated. Initial appointments of the consolidated board of water and sewer commissioners created under sections 1 through 3 of this act shall be made as follows: two members for three years, two members for two years, and one member for one year, and one alternate shall be appointed for one year, and one for two years.

Section 7. No contracts or liabilities in force on the effective date of this act shall be affected by abolition of such offices and consolidation of the water and sewer-related functions of the city as provided for herein, and the newly created consolidated board of water and sewer commissioners shall in all respects be the lawful successor of the offices so abolished and consolidated. All records, property and equipment whatsoever of any office, department, or part thereof, of said board of sewer commissioners and said board of water commissioners are hereby assigned to the board of water and sewer commissioners created hereunder. Notwithstanding any other provision of this act, the enactment hereof shall not affect the validity or legality of any act done, any liability incurred, or any right accrued, or established under the authority of the board of water commissioners under chapter 261 of the acts of 1963 and board of sewer commissioners under chapter 403 of the acts of 1908, as amended.

Section 8. This act shall take effect upon passage.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 10, 2013

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 rescission 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.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 10, 2013

THAT THE CITY COUNCIL of the City of Newburyport hereby accepts the provisions of M.G.L. Chapter 40, Section 13D entitled 'Reserve fund for future payment of accrued liabilities for compensated absences due employee or officer of town upon termination of employment'.

Councillor Robert J. Cronin

Section 13D. Any city, town or district which accepts the provisions of this section by majority vote of its city council, the voters present at a town meeting or district meeting or by majority vote of a regional school committee may establish, appropriate or transfer money to a reserve fund for the future payment of accrued liabilities for compensated absences due any employee or full-time officer of the city or town upon the termination of the employee's or full-time officer's employment. The treasurer may invest the monies in the manner authorized by section 54 of chapter 44, and any interest earned thereon shall be credited to and become part of the fund. The city council, town meeting or district meeting may designate the municipal official to authorize payments from this fund, and in the absence of a designation, it shall be the responsibility of the chief executive officer of the city, town or district. In a regional school district, funds may be added to the reserve fund for the future payment of accrued liabilities only by appropriation in the annual budget voted on by the city council of member cities or at the annual town meeting of member towns.

ORDINANCE

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
Goodwin Avenue

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

Councillor Allison Heartquist

COMMITTEE ITEMS



City of Newburyport

FY 2013

BUDGET TRANSFER REQUEST

Transfer #1
May 13, 2013

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2013 MAY - 7 P 3: 10

bdf
-3000
S/P/P

Department: Mayor

Submitted by: Mayor Holaday

Date : 5/7/2013

Transfer From:

| | | | |
|-----------------|--------------------------|-----------|-----------------|
| Account Name | General Fund - Free Cash | YTD Bal: | \$ 1,539,922.05 |
| Account Number: | 01-35900 | Trans In: | \$ - |
| Amount: | \$156,361.20 | Trans Out | \$ 702,028.05 |

Why are Funds Available: The Mass Dept of Revenue has certified Free Cash for FY 2013 at \$2,241,951
Funds are available for any legal expenditure with the recommendation of the Mayor and a majority vote
of the City Council. With this transfer, there will be a balance of \$1,383,560.85 remaining in the Free Cash
account.

Transfer To:

| | | | |
|-----------------|-------------------------|-----------|-----------------|
| Account Name | Snow and Ice - Expenses | YTD Bal: | \$ (139,132.42) |
| Account Number: | 01423002-52901 | Trans In: | \$ - |
| Amount: | \$139,132.42 | Trans Out | \$ - |

Why are Funds Required: Snow and Ice expenses are variable depending on winter weather conditions.
Weather conditions during this past winter were severe and the amount appropriated for S/I expenses was
exceeded by \$139,132.42. State law allows communities to deficit spend in this category, however the
deficit must be removed by fiscal year end with available funds, or raised in FY 2014.

Transfer To:

| | | | |
|-----------------|----------------------|-----------|----------------|
| Account Name | Snow and Ice - Labor | YTD Bal: | \$ (14,228.78) |
| Account Number: | 01423001-51301 | Trans In: | \$ - |
| Amount: | \$14,228.78 | Trans Out | \$ - |

Why are Funds Required: Snow and Ice expenses are variable depending on winter weather conditions.
Weather conditions during this past winter were severe and the amount appropriated for S/I Labor was
exceeded by \$14,228.78. State law allows communities to deficit spend in this category, however the
deficit must be removed by fiscal year-end with available funds, or raised in FY 2014.

Transfer To:

| | | | |
|-----------------|------------------------|-----------|-------------|
| Account Name | Mayor - Misc. Expenses | YTD Bal: | \$ 9,359.65 |
| Account Number: | 01121007-57801 | Trans In: | \$ - |
| Amount: | \$3,000.00 | Trans Out | \$ - |

Why are Funds Required: The performance platform / staging located at Water Front Park has out
reached it's useful life and needs to be replaced. This platform is used by the entire Newburyport community
and the replacement cost of \$10,270.00 is being shared by the Chamber of Commerce \$2,500, the
Water Front Trust \$2,500, the Yankee homecoming Committee \$ 2270, and the City \$3,000.

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

Date: 5/7/13

 Date: 5/7/13

late file May 13, 2013
Transfer #3

bot



City of Newburyport FY 2013 BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2013 MAY 13 P 2: 16

Department: Mayor

Submitted by: Mayor Holaday

Date: 5/10/2013

Transfer From:

Account Name: General Fund - Free Cash YTD Bal: \$ 1,383,560.85

Account Number: 01-35900 Trans In:

Amount: \$4,900.00 Trans Out \$ 858,389.25

Why are Funds Available: The Mass Dept of Revenue has certified Free Cash for FY 2013 at \$2,241,951

Funds are available for any legal expenditure with the recommendation of the Mayor and a majority vote of the City Council. With this transfer, there will be a balance of \$1,378,660.85 remaining in the Free Cash account.

Transfer To:

Account Name: Parks - Park Maintenance YTD Bal: \$ 38,204.55

Account Number: 01630002-52420 Trans In: \$ 54,338.00

Amount: \$4,900.00 Trans Out \$ -

Why are Funds Required: Fuller field has been identified as a suitable varsity ball field and needs \$4,900 to complete a field survey. See attached.

Transfer To:

Account Name: YTD Bal:

Account Number: Trans In:

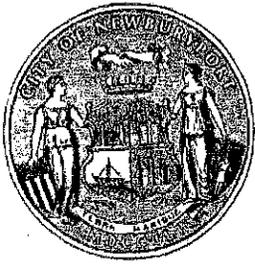
Amount: Trans Out:

Why are Funds Required:

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

Donna D. Holaday Date: 5/10/13
William B. Squillace Date: 5/10/13

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CITY OF NEWBURYPORT

DONNA HOLADAY
MAYOR

NEWBURYPORT CITY HALL
60 PLEASANT STREET
P.O. BOX 550
NEWBURYPORT, MA 01950

TEL: 978-465-4462

FAX: 978-465-4452

To: Thomas O'Brien, President
Members of City Council
From: Lisë Reid
Cc: Hon. Donna Holaday
Peter Lombardi
William Squillace
Date: May 8, 2013
Re: Transfer of funds for Fuller Field Survey

I ask that you consider the transfer of funds in the amount of \$4,900 to cover the cost of surveying Bradley Fuller Field. The survey is required to complete a master plan to construct a baseball diamond at the back of the field.

Construction of the new 90' baseball diamond is the highest priority identified by the Field Space Task Force in the effort to solve the severe lack of athletic field space in the city. Loss of fields at the Bresnahan has compounded the problem and left the high school JV team playing on fields in West Newbury this spring. It has also added serious strain on the already-overscheduled Perkins and Cashman softball fields. I have turned away several leagues who sought field space this season.

After consulting with high school athletic director John Daileanes, high school coaches, Planning Director Andrew Port, other members of the Field Space Task Force, and athletic facility designer Chris Huntress we determined the back portion of Bradley Fuller Field to be the most desirable location for the new diamond.

I have included for your reference a copy of the Field Space Task Force's findings report of January 2013.

Thank you for considering support of this effort.



City of Newburyport

FY 2013

BUDGET TRANSFER REQUEST

Transfer #1
May 28, 2013

Department: Mayor

Submitted by: Mayor Holaday

Date : 5/22/2013

Transfer From:

| | | | |
|-----------------|---------------------------------|-----------|------------------------|
| Account Name | <u>General Fund - Free Cash</u> | YTD Bal: | <u>\$ 1,378,660.85</u> |
| Account Number: | <u>01-35900</u> | Trans In: | <u>\$ -</u> |
| Amount: | <u>\$120,778.55</u> | Trans Out | <u>\$ 863,289.25</u> |

Why are Funds Available: The Mass Dept of Revenue has certified Free Cash for FY 2013 at \$2,241,951
Funds are available for any legal expenditure with the recommendation of the Mayor and a majority vote
of the City Council. With this transfer, there will be a balance of \$1,257,882.30 remaining in the Free Cash
account.

Transfer To:

| | | | |
|-----------------|----------------------------------|-----------|-------------|
| Account Name | <u>Fire - Retirement Expense</u> | YTD Bal: | <u>\$ -</u> |
| Account Number: | <u>01220001-51901</u> | Trans In: | <u>\$ -</u> |
| Amount: | <u>\$114,652.71</u> | Trans Out | <u>\$ -</u> |

Why are Funds Required: Funds are required to cover half the cost of the Fire Chief's retirement
expenses and all of the costs of a retiring lieutenant.

Transfer To:

| | | | |
|-----------------|---|-----------|-------------|
| Account Name | <u>Council on Aging-Retirement Exp.</u> | YTD Bal: | <u>\$ -</u> |
| Account Number: | <u>01541001- 51901</u> | Trans In: | <u>\$ -</u> |
| Amount: | <u>\$1,004.72</u> | Trans Out | <u>\$ -</u> |

Why are Funds Required: Funds are required to cover the retirement cost of one full-time employee
of Council on Aging Department.

Transfer To:

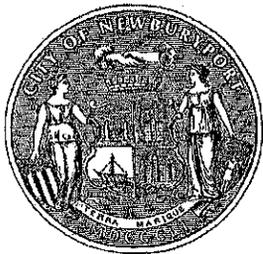
| | | | |
|-----------------|-------------------------------------|-----------|-------------|
| Account Name | <u>Library - Retirement Expense</u> | YTD Bal: | <u>\$ -</u> |
| Account Number: | <u>01610001-51901</u> | Trans In: | <u>\$ -</u> |
| Amount: | <u>\$5,121.12</u> | Trans Out | <u>\$ -</u> |

Why are Funds Required: Funds are required to cover the retirement cost of one full-time employee
of the Library.

Donna D. Holaday, Mayor
William B. Squillace, Auditor

Donna D. Holaday Date: 5/21/13

William B. Squillace Date: 5/22/13



CITY OF NEWBURYPORT
DEPARTMENT OF PUBLIC SERVICES

16A PERRY WAY
NEWBURYPORT, MA 01950

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2013 MAY 21 P 3:31
PHONE: 978-465-4463
FAX: 978-465-1623

ANTHONY FURNARI, DIRECTOR
ANDREW LAFFERTY, DEPUTY DIRECTOR

To: Mayor Donna Holaday
From: Anthony Furnari, Director of Public Services
Date: May 28, 2013
Re: Capital Transfer Requests – Water & Sewer Enterprise Funds

Over the past few months, we have worked hard to identify and prioritize, both long-term and short-term, capital needs for the Water and Sewer Enterprise Funds. After meeting with the Water and Sewer Commissions, the following projects have been identified as a priority for the upcoming fiscal year. These requests are consistent with the Capital Improvement Program (CIP) that was included in the FY2014 budget:

- DPS Facility Expansion

The current DPS Facility at 16A Perry Way is over-capacity. Staff members, including the water distribution crew, sewer maintenance crew, and engineering office, have been working out of two trailers, which were meant to be temporary, but have been in place for over seven years now. The expansion of the DPS Facility would replace the trailers with a building of approximately 1,500 square feet and would also house the Water/Sewer Business Office.

The project is currently in the design phase, however construction could begin as early as the fall. The total cost is estimated at \$1.2 million to be funded by the Water and Sewer Enterprise Funds.

- HVAC Improvements

As part of the FY2013 budget, funds were appropriated to replace the HVAC at the garage, which houses the majority of the vehicles and equipment used by DPS. The work was unable to be completed in FY2013 due to a busy winter season. It is recommended that the \$33,000 budgeted by both divisions be transferred into a CIP account so that the necessary work can be completed as planned.

- MaintStar Computerized Maintenance Management System (CMMS)

For the past year and a half, the City has been working with communities in the Merrimack Valley Planning Commission (MVPC) to identify the best software package to bring a CMMS to the municipalities in the region. After reviewing many systems, MaintStar was selected as

the preferred vendor. The City currently lacks a robust work order system and has operated based on an old Access database, which is no longer sustainable.

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

By participating in the MVPC agreement, the City will be able to gain access to a comprehensive work order system at a much discounted rate. This new work order system will have capability to link work orders to specific geographic locations using our existing GIS databank. It will also be flexible enough to be used to manage the variety of tasks carried out by the Highway, Water and Sewer divisions on any given day. Our goal is that this will greatly improve the tracking capability of incoming work requests and ultimately improve the customer experience.

The total initial set-up costs are \$50,500, \$20,000 of which will be covered by Community Innovation Challenge grant funding that the City of Newburyport in partnership with the MVPC received earlier this year. The \$30,500 balance will be funded by Water and Sewer Retained Earnings and General Fund Free Cash. The system will cost approximately \$5,000 annually to maintain and operate; this funding has been accounted for in the FY 2014 budget and will be divided evenly between the 3 DPS Divisions.

- Meter Replacement Program

The City conducted a system-wide meter replacement program in 2008 at a cost of over one million dollars. Given that the meters have a life expectancy of 12-15 years, it is recommended that \$50,000 be funded each year from both the Water and Sewer Enterprise Funds until 2023.

- Vacuum Truck

The 1999 Vactor truck, used to clean out sewer lines, will be nearing the end of its useful life. Given the replacement cost of \$400,000, it is recommended that we create a CIP account with \$200,000 and fund the balance out of next year's retained earnings balance.

- Water Main Replacement

Annual funding is needed to execute scheduled improvements to the City's aging water distribution infrastructure. In an effort to minimize the impact on the operating budget, funds have been designated each year to this capital account. As part of the roadwork project on Merrill Street, the City will be replacing the water main running down the street as early as July 2013. The water main replacement is estimated at \$100,000.

- WWTF Security Fence

As you are aware, the \$32.65 million rehabilitation of the Wastewater Treatment Facility is at 80% completion. There are two major expenditures, which remain to be completed. Those include the replacement of the primary clarifiers and the installation of a fence around the new facility. It was originally anticipated that \$200,000 would be needed to replace the primary clarifiers and the same amount to install the fence. Funds were appropriated for the clarifiers, but have not been appropriated for the fence. Given the current budget status, the replacement of the primary clarifiers is now able to be funded out of the overall project budget. Therefore, it is recommended that those funds be reallocated to fund the installation of a fence once the project nears completion later this year.

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CITY CLERK'S OFFICE
NEWBURGH, NY
MAY 21 10 53 AM '11

The current fence at the facility has deteriorated over the years and is rusted with many gaps. There is a moderate amount of foot traffic along the trail adjacent to the facility, which would dramatically increase should the Rail Trail Extension Project take place. Given the number of exposed processes required to treat the wastewater, installing a secure fence around the entire facility would prevent unauthorized access and would greatly improve the appearance of this piece of City property on the waterfront.

At the end of FY2012, the Department of Revenue certified healthy retained earning balances for both the Water and Sewer Enterprise Funds. For water, \$1,356,971 was certified, of which \$13,806 has been used year-to-date. The attached transfer request uses \$410,133 in **water retained earnings**, leaving a balance of **\$933,033**. Likewise for sewer, \$1,871,203 was certified, of which \$17,734 has been used year-to-date. The attached transfer request uses \$610,133 in **sewer retained earnings**, leaving a balance of **\$1,243,336**.

As we approach the beginning of a new fiscal year, the Water and Sewer Commissions are actively discussing rates for FY2014 and, as in years past, will approve new rates in June based on final approved expenditures. Despite significant increases to debt service in FY2014, a major goal of both boards is to ensure the stability of rates over the next several years; made possible by healthy retained earnings balances. As such, it is expected that further transfers will be requested into budget reserve line items, as to mitigate the rate increases needed to service the FY2014 debt payments. Such transfers, however, cannot be submitted until the final budget is approved by the City Council.

Please see attached the requested capital transfers.

Thank you for your assistance.



City of Newburyport

FY 2013

BUDGET TRANSFER REQUEST

Transfer #2
May 28, 2013

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

Department: DPS - WATER

Submitted by: Anthony Furnari, Director

Date Submitted: 2013 MAY 21 P 3:32
5/28/2013

Transfer From:

| | | | |
|--------------------------|---|------------|-----------------|
| Account Name | RETAINED EARNINGS | YTD Bal: | \$ 1,343,165.73 |
| Account Number: | 60-35900 | Trans In: | \$ - |
| Amount: | \$410,133.00 | Trans Out: | \$ 13,805.54 |
| Why are Funds Available: | <u>Certified retained earnings balance from FY2012.</u> | | |

Transfer To:

| | | | |
|-------------------------|--|------------|---------------|
| Account Name | CIP-DPS BUILDING | YTD Bal: | \$ 593,746.31 |
| Account Number: | 3403-50000 | Trans In: | \$ - |
| Amount: | \$250,000.00 | Trans Out: | \$ - |
| Why are Funds Required: | <u>The current DPS building is over-capacity and an expansion is needed to support the operations of the department. Previously, \$350,000 was funded by Water Retained Earnings. This will bring the total water appropriation to \$600,000 with the same amount to be funded by Sewer Retained Earnings.</u> | | |

Transfer To:

| | | | |
|-------------------------|---|------------|-------------|
| Account Name | CIP-WTR MAIN REPLACEMENT | YTD Bal: | \$ 1,781.01 |
| Account Number: | 3204-50000 | Trans In: | \$ - |
| Amount: | \$100,000.00 | Trans Out: | \$ - |
| Why are Funds Required: | <u>Annual funding is needed to execute scheduled improvements to the City's aging water distribution infrastructure. In an effort to minimize the impact on the operating budget, funds have been designated each year to this capital account.</u> | | |

Transfer To:

| | | | |
|-------------------------|--|------------|---------------|
| Account Name | CIP-METER REPLACEMENT PROG | YTD Bal: | \$ 100,000.00 |
| Account Number: | 3409-50000 | Trans In: | \$ - |
| Amount: | \$50,000.00 | Trans Out: | \$ - |
| Why are Funds Required: | <u>The City conducted a system-wide meter replacement program in 2008 at a cost of over \$1 million. Given that meters have a life expectancy of 12-15 years, it is recommended that \$50,000 be funded each year from both the Water and Sewer Enterprise Funds until 2023.</u> | | |

Transfer To:

| | | | |
|-------------------------|--|------------|------|
| Account Name | CMMS | YTD Bal: | \$ - |
| Account Number: | N/A | Trans In: | \$ - |
| Amount: | \$10,133.00 | Trans Out: | \$ - |
| Why are Funds Required: | <u>To fund the set-up costs associated with the MaintStar Computerized Maintenance Management System (CMMS) in conjunction with the Merrimack Valley Planning Commission (MVPC).</u> | | |

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

Donna D Holaday
William B Squillace

Date: 5/21/13
Date: 5/22/13



City of Newburyport FY 2013 BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

Department: DPS - WATER

2013 MAY 21 P 3: 32

Submitted by: Anthony Furnari, Director

Date Submitted: 5/28/2013

Transfer From:

| | | | |
|--------------------------|---|------------|---------------------|
| Account Name | <u>MODIFICATION OF DPS BUILDING</u> | YTD Bal: | <u>\$ 33,000.00</u> |
| Account Number: | <u>60450008-58546</u> | Trans In: | <u>\$ -</u> |
| Amount: | <u>\$33,000.00</u> | Trans Out: | <u>\$ -</u> |
| Why are Funds Available: | <u>Funds were appropriated for FY2013, however work was unable to be completed over the winter due to the busy season for the DPS crew.</u> | | |

Transfer To:

| | | | |
|-------------------------|---|------------|-------------|
| Account Name | <u>CIP-HVAC IMPROVEMENTS</u> | YTD Bal: | <u>\$ -</u> |
| Account Number: | <u>N/A</u> | Trans In: | <u>\$ -</u> |
| Amount: | <u>\$33,000.00</u> | Trans Out: | <u>\$ -</u> |
| Why are Funds Required: | <u>HVAC improvements are still needed to the garage at 16A Perry Way that houses most of the vehicles and equipment used by all three divisions of DPS. The cost would be shared by water, sewer and highway.</u> | | |

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

Donna D Holaday
William B Squillace

Date: 5/21/13
Date: 5/22/13



City of Newburyport

FY 2013

BUDGET TRANSFER REQUEST

Transfer #4
May 28, 2013

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2013 MAY 21 P 3: 32

Department: DPS - SEWER

Submitted by: Anthony Furnari, Director

Date Submitted: 5/28/2013

Transfer From:

| | | | | |
|--------------------------|---|------------|----|---------------------|
| Account Name | <u>RETAINED EARNINGS</u> | YTD Bal: | \$ | <u>1,873,031.46</u> |
| Account Number: | <u>61-35900</u> | Trans In: | \$ | <u>-</u> |
| Amount: | <u>\$610,133.00</u> | Trans Out: | \$ | <u>17,733.59</u> |
| Why are Funds Available: | <u>Certified retained earnings balance from FY2011.</u> | | | |

Transfer To:

| | | | | |
|-------------------------|--|------------|----|----------|
| Account Name | <u>CIP-VACUUM TRUCK PURCHASE</u> | YTD Bal: | \$ | <u>-</u> |
| Account Number: | <u>N/A</u> | Trans In: | \$ | <u>-</u> |
| Amount: | <u>\$200,000.00</u> | Trans Out: | \$ | <u>-</u> |
| Why are Funds Required: | <u>The Vactor truck, used to clean sewer lines, will be nearing the end of its useful life. Given the total replacement cost of \$400,000, it is recommended that a CIP account be created with \$200,000 from current year retained earnings and fund the balance out of next year's retained earnings.</u> | | | |

Transfer To:

| | | | | |
|-------------------------|--|------------|----|-------------------|
| Account Name | <u>CIP-DPS BUILDING</u> | YTD Bal: | \$ | <u>593,746.31</u> |
| Account Number: | <u>3403-50000</u> | Trans In: | \$ | <u>-</u> |
| Amount: | <u>\$350,000.00</u> | Trans Out: | \$ | <u>-</u> |
| Why are Funds Required: | <u>The current DPS building is over-capacity and an expansion is needed to support the operations of the department. Previously, \$250,000 was funded by Sewer Retained Earnings. This will bring the total sewer appropriation to \$600,000 with the same amount to be funded by Water Retained Earnings.</u> | | | |

Transfer To:

| | | | | |
|-------------------------|--|------------|----|-------------------|
| Account Name | <u>CIP-METER REPLACEMENT PROG</u> | YTD Bal: | \$ | <u>100,000.00</u> |
| Account Number: | <u>3409-50000</u> | Trans In: | \$ | <u>-</u> |
| Amount: | <u>\$50,000.00</u> | Trans Out: | \$ | <u>-</u> |
| Why are Funds Required: | <u>The City conducted a system-wide meter replacement program in 2008 at a cost of over \$1 million. Given that meters have a life expectancy of 12-15 years, it is recommended that \$50,000 be funded each year from both the Water and Sewer Enterprise Funds until 2023.</u> | | | |

Transfer To:

| | | | | |
|-------------------------|--|------------|----|----------|
| Account Name | <u>CMMS</u> | YTD Bal: | \$ | <u>-</u> |
| Account Number: | <u>N/A</u> | Trans In: | \$ | <u>-</u> |
| Amount: | <u>\$10,133.00</u> | Trans Out: | \$ | <u>-</u> |
| Why are Funds Required: | <u>To fund the set-up costs associated with the MaintStar Computerized Maintenance Management System (CMMS) in conjunction with the Merrimack Valley Planning Commission (MVPC).</u> | | | |

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

Donna D Holaday
Anthony Furnari

Date: 5/21/13
Date: 5/22/13



City of Newburyport

FY 2013

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2013 MAY 21 P 3:32

Department: DPS - SEWER

Submitted by: Anthony Furnari, Director

Date Submitted: 5/28/2013

Transfer From:

| | | | |
|--------------------------|---|------------|----------------------|
| Account Name | <u>CIP-CLARIFIERS</u> | YTD Bal: | <u>\$ 100,000.00</u> |
| Account Number: | <u>3411-50000</u> | Trans In: | <u>\$ -</u> |
| Amount: | <u>\$100,000.00</u> | Trans Out: | <u>\$ -</u> |
| Why are Funds Available: | <u>Funds are no longer required in this account to complete this project.</u> | | |

Transfer To:

| | | | |
|-------------------------|---|------------|-------------|
| Account Name | <u>CIP-WWTF Fence</u> | YTD Bal: | <u>\$ -</u> |
| Account Number: | <u>N/A</u> | Trans In: | <u>\$ -</u> |
| Amount: | <u>\$100,000.00</u> | Trans Out: | <u>\$ -</u> |
| Why are Funds Required: | <u>The current fence around the Wastewater Treatment Facility presents a safety hazard as it is deteriorated and rusty, with many gaps where unauthorized personnel could access the exposed treatment pools. A replacement fence is needed to secure the facility.</u> | | |

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

Donna D Holaday
William B Squillace

Date: 5/21/13
Date: 5/22/13



City of Newburyport FY 2013 BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2013 MAY 21 P 3: 32

Department: DPS - SEWER

Submitted by: Anthony Furnari, Director

Date Submitted: 5/28/2013

Transfer From:

| | | | | |
|--------------------------|---|------------|----|------------|
| Account Name | SEW PRIMARY CLARIFIERS | YTD Bal: | \$ | 100,000.00 |
| Account Number: | 61440008-58710 | Trans In: | \$ | - |
| Amount: | \$100,000.00 | Trans Out: | \$ | - |
| Why are Funds Available: | <i>Funds are no longer required in this line item to complete this project.</i> | | | |

Transfer To:

| | | | | |
|-------------------------|---|------------|----|---|
| Account Name | CIP-WWTF Fence | YTD Bal: | \$ | - |
| Account Number: | N/A | Trans In: | \$ | - |
| Amount: | \$100,000.00 | Trans Out: | \$ | - |
| Why are Funds Required: | <i>The current fence around the Wastewater Treatment Facility presents a safety hazard as it is deteriorated and rusty, with many gaps where unauthorized personnel could access the exposed treatment pools. A replacement fence is needed to secure the facility.</i> | | | |

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

Donna D Holaday
William B Squillace

Date: 5/21/13
Date: 5/22/13



City of Newburyport

FY 2013

BUDGET TRANSFER REQUEST

Transfer #7
May 28, 2013

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2013 MAY 21 P 3:32

Department: DPS - SEWER

Submitted by: Anthony Furnari, Director

Date Submitted: 5/28/2013

Transfer From:

| | | | |
|--------------------------|---|------------|--------------|
| Account Name | MODIFICATION OF DPS BUILDING | YTD Bal: | \$ 33,000.00 |
| Account Number: | 61450008-58546 | Trans In: | \$ - |
| Amount: | \$33,000.00 | Trans Out: | \$ - |
| Why are Funds Available: | <i>Funds were appropriated for FY2013, however work was unable to be completed over the winter due to the busy season for the DPS crew.</i> | | |

Transfer To:

| | | | |
|-------------------------|---|------------|------|
| Account Name | CIP-HVAC IMPROVEMENTS | YTD Bal: | \$ - |
| Account Number: | N/A | Trans In: | \$ - |
| Amount: | \$33,000.00 | Trans Out: | \$ - |
| Why are Funds Required: | <i>HVAC improvements are still needed to the garage at 16A Perry Way that houses most of the vehicles and equipment used by all three divisions of DPS. The cost would be shared by water, sewer and highway.</i> | | |

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

Donna D Holaday

William B Squillace

Date: 5/21/13
Date: 5/22/13



City of Newburyport FY 2013 BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

Department: DPS - HIGHWAY

2013 MAY 21 P 3: 32

Submitted by: Anthony Furnari, Director

Date Submitted: 5/28/2013

Transfer From:

| | | | |
|--------------------------|---|------------|------------------------|
| Account Name | <u>General Fund - Free Cash</u> | YTD Bal: | <u>\$ 1,383,560.85</u> |
| Account Number: | <u>01-35900</u> | Trans In: | <u>\$ -</u> |
| Amount: | <u>\$10,134.00</u> | Trans Out: | <u>\$ 858,389.25</u> |
| Why are Funds Available: | <u>The Mass Dept of Revenue has certified Free Cash for FY 2013 at \$2,241,951. Funds are available for any legal expenditure with the recommendation of the Mayor and a majority vote of the City Council.</u> | | |

Transfer To:

| | | | |
|-------------------------|--|------------|-------------|
| Account Name | <u>CMMS</u> | YTD Bal: | <u>\$ -</u> |
| Account Number: | <u>N/A</u> | Trans In: | <u>\$ -</u> |
| Amount: | <u>\$10,134.00</u> | Trans Out: | <u>\$ -</u> |
| Why are Funds Required: | <u>To fund the set-up costs associated with the MaintStar Computerized Maintenance Management System (CMMS) in conjunction with the Merrimack Valley Planning Commission (MVPC).</u> | | |

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

Donna D Holaday
William B Squillace

Date: 5/21/13
Date: 5/22/13

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

High Street

Extent

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

High Street

Extent

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

Councillor Richard E. Sullivan, Jr.

PS
RC
BD
SV