

CITY COUNCIL MEETING AGENDA - VERSION 1

CITY COUNCIL CHAMBERS

October 11, 2016

7:30PM

(Sound Check)

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

CONSENT AGENDA

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

7. APPROVAL OF MINUTES

September 26, 2016

(Approve)

8. TRANSFERS

- **TRAN025_10_11_16** HR Health Ins. to HRA Prog. (30K), HRA Admin. (1,950) (B&F)

9. COMMUNICATIONS

- **COMM091_10_11_16** Ltr to Council from J. Sweet on ZBA (P&D)
- **COMM092_10_11_16** Ltr re: Youth Hockey 'Tag Day' on 11/19/2016 (L&P)
- **COMM093_10_11_16** LOCO Sports Road Race on 11/13/2016 (PS)
- **COMM094_10_11_16** Fuel River Run on 5/7/2017 (PS)
- **COMM095_10_11_16** Ltr re: Crossing Guard at Coltin Drive (PS)

10. APPOINTMENTS

Re-Appointments

- **APPT071_10_11_16** Vaughn Abbott 61 Prospect St Cultural Cncl 10/1/2019
- **APPT072_10_11_16** Paul S. Cardaci 135 Beach Rd, Slsby Constable 12/1/2019

First Appointments

- **APPT073_10_11_16** Susan Bryant Carnduff 12 Washington St Cultural Cncl 11/1/2019
- **APPT074_10_11_16** Afroz Khan 85 Prospect St Cultural Cncl 11/1/2018
- **APPT075_10_11_16** Dr. Robert E. Slocum 38 Jefferson St Brd of Health 1/1/2020

END OF CONSENT AGENDA

REGULAR AGENDA

11. MAYOR'S UPDATE

12. APPOINTMENTS

Second Reading

- APPT066_09_26_16 Susan Chase 44 Oak St Emma Andrews 10/30/17
- APPT067_09_26_16 Donna Conway 27 Marlboro St Emma Andrews 10/30/17
- APPT068_09_26_16 Aine G. Ellrott 43 Purchase St Emma Andrews 10/30/17
- APPT069_09_26_16 Elizabeth Valeriani 29 Oak St Emma Andrews 10/30/17
- APPT070_09_26_16 Elizabeth L. Watson 53 Warren St, #315 Emma Andrews 10/30/17

13. ORDERS

- ORDR076_09_12_16 Supplemental Budget Request #1 **TABLED**
- ORDR081_10_11_16 Parking Restriction, High Street near Barton St

14. ORDINANCES

- ODNC012_05_31_16 Amend Sign Ordinance Chapter 12.3 et al **SECOND READING**

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- ORDR009_02_08_16 Increase Fees for Fire Dept.
- ORDR010_02_08_16 Increase Fines Parking Violations
- ORDR002_01_25_16 Accept Gift of \$25,000 Repairing Brown's Wharf Culvert (COTW)
- ORDR039_05_31_16 Increase Hourly Parking Rate to \$1.50
- ODNC016_09_12_16 Plum Island Utility Fund
- ORDR078_09_26_16 Titcomb Street Order
- ORDR079_09_26_16 Movie Location Order
- ORDR080_09_26_16 **LATE FILE** Order of Taking Parking Facility

General Government

In Committee:

- COMM063_06_13_16 Letter from Abutters of the I-95 Project

Joint Education

License & Permits

In Committee:

- COMM010_01_25_16 Licensing Commission Acoustic & Amplified Entertainment
- ODNC011_05_31_16 Amend Transient Vendors for Cashman (COTW)
- ODNC013_07_11_16 Amend Outdoor Seating (Two Year Renewals)
- ORDR079_09_26_16 Movie Location Order

Neighborhoods and City Services

In Committee:

- ODNC001_01_11_16 Amend Ch11 Parks and Recreation (COTW)
- ORDR048_06_13_16 Sidewalk Order

- **ORDR075_09_12_16** Resolution on Boyd Drive Development

Planning & Development

In Committee:

- **COMM020_02_08_16** Memo re: Hiring Process for Building Commissioner
- **ORDR055_06_27_16** Order re: Surplus Property – WWTP
- **COMM076_07_11_16 LATE FILE** Boyd Drive Petition
- **ODNC014_08_08_16** Zoning Amend Sidewalks/Trees Sec XI-K et al
- **ORDR078_09_26_16** Titcomb Street Order
- **ORDR080_09_26_16 LATE FILE** Order of Taking Parking Facility

Public Safety

In Committee:

- **COMM063_06_13_16** Letter from Abutters of the I-95 Project
- **ORDR067_08_29_16** Hillside Ave, Cottage Ct – Resident Parking
- **ORDR068_08_29_16** High Street – Resident Parking
- **ORDR071_08_29_16** Blind Person Sign
- **ODNC015_08_29_16** 25 MPH Speed Zones
- **ORDR077_09_12_16** Parking Restricted on Daniel Lucy Way
- **COMM090_09_26_16** American Cancer Society - Tent in Market Square

Public Utilities

In Committee:

- **COMM060_05_31_16** Mobilitie, LLC Highway Access Permit
- **ORDR075_09_12_16** Resolution on Boyd Drive Development
- **ODNC016_09_12_16** Plum Island Utility Fund

Rules Committee

In Committee:

17. GOOD OF THE ORDER

18. EXECUTIVE SESSION

19. ADJOURNMENT

CONSENT AGENDA

Motion to approve the Consent Agenda by Councillor Zeid, seconded by Councillor Vogel. So voted.

11. MAYOR'S UPDATE

Motion to receive and file by Councillor Cameron, seconded by Councillor Tontar

12. APPOINTMENTS

- NONE

13. ORDERS

- **ORDR078_09_26_16** Titcomb Street Order
Motion to refer to Planning & Development and Budget & Finance by Councillor Eigerman, seconded by Councillor Cameron. So voted (1 No – TO)
- **ORDR079_09_26_16** Movie Location Order
Motion to refer to License & Permits and Budget & Finance by Councillor Cronin, seconded by Councillor Devlin. So voted.
- **ORDR080_09_26_16 LATE FILE** Order of Taking – Parking Facility
Motion to refer to Planning & Development and Budget & Finance by Councillor Eigerman, seconded by Councillor Cameron. So voted (1 No – TO).

14. ORDINANCES

- NONE

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR009_02_08_16** Increase Fees for Fire Dept.
- **ORDR010_02_08_16** Increase Fines Parking Violations
- **ORDR002_01_25_16** Accept Gift of \$25,000 Repairing Brown's Wharf Culvert (COTW)
- **ORDR039_05_31_16** Increase Hourly Parking Rate to \$1.50
- **ODNC016_09_12_16** Plum Island Utility Fund
- **ORDR076_09_12_16** Supplemental Budget Request #1
Motion to remove by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. No vote. Motion to table by Councillor Tontar, seconded by Councillor Eigerman. Roll call vote, 9 Yes, 2 No (BV, EC). Order tabled.

General Government

In Committee:

- **COMM063_06_13_16** Letter from Abutters of the I-95 Project

Joint Education

License & Permits

In Committee:

- **COMM010_01_25_16** Licensing Commission Acoustic & Amplified Entertainment
- **ODNC011_05_31_16** Amend Transient Vendors for Cashman (COTW)
- **ODNC013_07_11_16** Amend Outdoor Seating (Two Year Renewals)

Neighborhoods and City Services

In Committee:

- **ODNC001_01_11_16** Amend Ch11 Parks and Recreation (COTW)
- **ORDR048_06_13_16** Sidewalk Order
- **COMM081_08_08_16** Marquand Lane Letter re: Tow Truck
Motion to remove by Councillor Connell, seconded by Councillor Tontar. Motion to receive and file by Councillor Connell, seconded by Councillor Cameron. So voted.
- **ORDR075_09_12_16** Resolution on Boyd Drive Development

Planning & Development

In Committee:

- **COMM020_02_08_16** Memo re: Hiring Process for Building Commissioner
- **ORDR055_06_27_16** Order re: Surplus Property – WWTP
- **COMM076_07_11_16** **LATE FILE** Boyd Drive Petition
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Public Safety

In Committee:

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- **COMM081_08_08_16** Marquand Lane Letter re: Tow Truck
Motion to remove by Councillor Connell, seconded by Councillor Tontar. Motion to receive and file by Councillor Connell, seconded by Councillor Cameron. So voted.
- **ORDR067_08_29_16** Hillside Ave, Cottage Ct – Resident Parking
- **ORDR068_08_29_16** High Street – Resident Parking
- **ORDR071_08_29_16** Blind Person Sign
- **ODNC015_08_29_16** 25 MPH Speed Zones
- **ORDR077_09_12_16** Parking Restricted on Daniel Lucy Way

Public Utilities

In Committee:

- **COMM060_05_31_16** Mobilite, LLC Highway Access Permit
- **ODNC012_05_31_16** Amend Sign Ordinance Chapter 12.3 et al
Motion to remove by Councillor Eigerman, seconded by Councillor Zeid. Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 yes.
- **ORDR075_09_12_16** Resolution on Boyd Drive Development
- **ODNC016_09_12_16** Plum Island Utility Fund

Rules Committee

In Committee:

17. GOOD OF THE ORDER

Councillor Zeid stated that there would be an Odor Meeting Wednesday November 16th at 6:30pm. President O'Brien commented that Sheila McCoy has retired from the Clerk's office after nearly 20 years of outstanding public service. Clerk Jones stated that she had been a wonderful public servant and that she has "raised the bar" when it comes to attending to the public and their needs.

18. EXECUTIVE SESSION

Motion to begin the executive session to discuss purchase of real estate by Councillor Vogel, seconded by Councillor Tontar. Roll call vote, 11 Yes. President O'Brien stated the Council would not return to regular session. 8:52pm

19. ADJOURNMENT

Motion to come out of executive session by Councillor Tontar, seconded by Councillor Vogel. So voted.
Motion to adjourn by Councillor Tontar, seconded by Councillor Giunta. So voted. 9:21pm.

TRANSFERS



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

CITY OF NEWBURYPORT, MASSACHUSETTS

2016 OCT -4 A 11:49

Human Resources Office

60 Pleasant Street

Newburyport, MA 01950

Phone: 978-465-5896 • Fax: 978-463-2892

To: President and Members of the City Council

From: Tracy Maynard, Human Resources Director

Date: October 4, 2016

Re: Budget Transfer Request for Health Reimbursement Account

As part of the Public Employee Committee (PEC) Memorandum of Agreement, the PEC agreed to establish a Health Care Reimbursement Account (HRA) of \$30,000 to support the City of Newburyport employees and retirees that have extraordinary prescription costs. The HRA reimburses employees and retirees that spend more than \$500 for prescription co-payments when on an individual health plan or more than \$1,000 for prescription co-payments when on a family health plan.

This amount was funded in the FY16 budget as well as in subsequent years' budgets; however it was inadvertently omitted from the FY17 budget. This HRA, as it is part of the PEC Agreement under M.G.L. c. 32B Section 19, needs to remain in place. Also, included in the FY16 budget and in subsequent years' budgets was \$3,900 to cover costs of administering the plan. For FY17, we have managed to reduce annual administration costs by 50% to \$1,950.

The request in total is as follows:

\$30,000.00 added to Insurance Group HRA Account (01914001 51702)

\$1,950.00 added to Human Resources HRA Administration (01152002 53005)

Thank you.

COMMUNICATIONS

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2016 OCT -4 P 2: 53

Jennifer Sweet, P.E., LSP
10 Chain Bridge Drive
Newburyport, MA 01950

29 September 2016

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

Ladies and Gentlemen:

I attended the Zoning Board of Appeals (ZBA) meeting on the evening of 27 September 2016. I was attending as an abutter for one of the proposed projects at 2-6 Elmira Avenue for which a variance application was filed. I also listened to two other applicants that were on the agenda for projects on properties located at 14 North Atkinson Street and 15-19 Williamson Avenue. All three of these projects are located in the R-2 Zoning District within the north end. I feel the need to express my concerns with the apparent disregard for the Zoning Ordinance and Zoning Board of Appeals regulations by the ZBA.

There were several residents in attendance at the meeting that raised concerns about subdivision of properties and construction of homes with significant dimensional variances from the Zoning Ordinance. They also raised concerns about how approval of recent variances have set precedent for on-going and continuing development in the City and in particular within the north end which is designated as an R-2 district.

The zoning districts and dimensional controls for each district are established by the "Zoning Ordinance of the City of Newburyport, Massachusetts" under the "Code of Ordinances, City of Newburyport, Massachusetts" authority granted by M.G.L.A. c. 40A.

Section I-C of the Zoning Ordinance states the following:

"The purpose and intent of this ordinance is to:

- 1. Promote the health, safety, convenience and general welfare of the inhabitants of the City of Newburyport,*
- 2. To conserve the value of property, with **due consideration for the character of the zones** and their peculiar suitability for particular uses,*
- 3. **To lessen congestion in the streets,***
- 4. To secure safety from fire, flood, panic, and other dangers,*
- 5. **To provide adequate light and air,***

6. To prevent overcrowding of land and to avoid undue concentration of population by regulating the height, number of stories and size of buildings and other structures, the percentage of the area of the lot that may be occupied, the size of the yards, courts, and other open spaces,

7. To control the density of population by regulating the location and use of buildings, structures and land for trade, industry, residence or other purposes; and the height, size and location of these uses within the limits of the City of Newburyport."

Section X-H, Board of Appeals, allows the appointed Board members the right to hear and decide appeals as well as to grant a variance *"where the zoning board of appeals finds that, owing to circumstances relating to the soil conditions, shape, or topography of such land or structures and especially affecting such land or structures but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of this ordinance would involve substantial hardship, financial or otherwise, to the petitioner or appellant, and that desirable relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this ordinance."*

However, paragraph 6.C. also states that *"The power to vary the application of this zoning ordinance must be sparingly exercised and only in rare instances and under exceptional circumstances peculiar in their nature, and with due regard to the main purpose of this zoning ordinance to preserve the property rights of others."* Additionally, paragraph 6.E. provides several following factors that shall not be construed as eligible for consideration as hardship cases, one of which states *"The applicant with or without knowledge of the provisions of this chapter has acquired the site subsequent to the effective date of this chapter"*.

What I observed during attendance at the 27 September 2016 ZBA meeting was the Board's apparent disregard to both the purpose and intent of the Zoning Ordinance as well as specific requirements of granting variances. In regards to the 2-6 Elmira application, the owner purchased the property in 2013 which as noted above excludes them for consideration of a hardship condition. In at least 2 of the cases that I listened to, hardship cases were argued based on the shape of the lot. These lots were already developed with residential structures. The applicants were simply looking to subdivide the lots to construct additional residential structures solely for financial benefit. The fact that a lot is not perfectly rectangular is not a hardship in the spirit and intent of the Zoning Ordinance. It was apparent that this argument for hardship based on lot shape has become a frequently used "loophole" through the zoning regulations. In dialogue with the ZBA, there appeared to be no consideration to how these variances would **affect the zoning district, the public good, preserve property rights of others, increase density and overcrowding of land, or derogate from the intent or purpose of the ordinance.**

Even more concerning was how the ZBA responded to concerned residents in these cases. Some residents asked why we have zoning regulations if they are not upheld and expressed concern that

the R-2 district dimensional controls were not being complied with. In summary, the ZBA responded that the ordinance is outdated, that these applications are a result of "supply and demand" because the south end and downtown areas are out of space, and to expect to continue to see this kind of denser development to occur in the north end. When asked again about zoning regulations and processes, they explained how the City has been considering changes to the Zoning Ordinance but haven't gotten around to it, that there are a lot of non-conformities in town, and if attendees take issue with the zoning laws that they should talk to their City Councilors.

I don't believe that anyone in attendance, including myself, "takes issue" with the existing R-2 zoning requirements. What we take issue with is the fact that the ZBA seemingly continues to disregard these zoning laws and grant variances in violation with hardship requirements and the intent of the Zoning Ordinance. It is the ZBA's responsibility to ensure that the dimensional controls and requirements under the current Zoning Ordinance are upheld and all regulations are complied with and to grant variances only in rare and exceptional circumstances. A property owner and/or developer simply looking to subdivide lot(s) and construct additional residential structures for sole financial benefit is not a rare and exceptional circumstance. Until changes to the Zoning Ordinance are made and adopted through legislation, the ZBA is required to review appeals as they relate to the **current** Ordinance and not to presume they should be something different. To opine on "supply and demand" in the City of Newburyport is completely inappropriate and should not be a consideration of the ZBA in reviewing appeals.

It is alarming to see how the ZBA is conducting business and I am disheartened to think that the City of Newburyport would allow this type of behavior. I particularly have concern about current and future projects within the north end that substantially deviate from the existing R-2 dimensional controls and what serious impacts this could have to those of us who reside here. The quick and easy approvals for variances that the ZBA are granting are short-sighted, have no consideration for the collective good of the district, and have the potential to destroy the unique attributes of north end neighborhoods for the sole benefit of a few individuals. I urge you to take serious consideration for the concerns raised herein, to review the ZBA's decisions, and to observe the ZBA's practices directly for yourselves.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Sweet". The signature is written in black ink and includes a long, sweeping horizontal line extending to the right from the end of the name.

Jennifer Sweet, P.E., LSP

cc: Office of the Mayor, Attn: Mayor Holaday



Newburyport Youth Hockey League

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2016 SEP 30 A 11: 13

September 28, 2016

Mr. Richard Jones
City Clerk
Newburyport City Hall
560 Pleasant Street
Newburyport, MA 01950

Dear Mr. Jones,

I am writing to request that the Newburyport Youth Hockey League (NYHL) be granted permission to hold a "tag day" on November 19, 2016.

Newburyport is a non-profit organization, managed and operated through a network of parent volunteers. The mission of the organization is to deliver a competitive and sustainable hockey program, from Learn to Skate through high school, by developing coaches and players, socially, athletically and academically. With an annual budget of approximately \$200K and serving 200 children, the league relies entirely on tuition payments and fundraising for revenue.

One of the main fundraising events is to operate a "tag day" where players solicit small cash contributions outside of local businesses. This event has been successful in recent years and the league is requesting permission to hold one Saturday, November 19, 2016. The businesses we are contacting for approval are listed on the attachment. As in past years, we will solicit approval from each business owner prior to the event.

I'm happy to answer any questions. I can be reached at tamanddavid@comcast.net or 339-223-7673.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "T. O'Donnell", with a horizontal line extending to the right.

Tammy O'Donnell

CC: Councilor Charles Tontar



Newburyport Youth Hockey League

List of Businesses for NYHL Tag Day

7 – 11, Storey Ave

Black Duck

Dunkin Donuts, Port Plaza

Dunkin Donuts, Storey Ave

Dunkin Donuts, Traffic Circle

Jabberwocky

Kmart

Leary's

Newburyport Public Library

Market Basket

Market Square

McDonalds

Mobil Gas, Storey Ave.

Newburyport Bank

Plum Island Roasters

Port City Sandwich

Newburyport Post Office

Richdales/Dunkin Donuts

Shaws

Starbucks

Tannery

TD Bank State Street

Walgreens

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____ ROAD RACE X WALKATHON _____

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon: _____

LOCO Sports, Inc.

2. Name, Address & Daytime Phone Number of Organizer: _____

Michael St. Laurent, P.O. Box 423, Newmarket, NH 03857

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up _____

Michael St. Laurent, P.O. Box 423, Newmarket, NH 03857

4. Date of Event: November 13, 2016 Expected Number of Participants: 600

5. Start Time: 9:00 AM Expected End Time: 12:30 PM

6. Road Race, Parade or Walkathon Route: (List street names & attach map of route): _____

Parker Street, Mulliken Way, Harbor Trail

7. Locations of Water Stops (if any): Parker Street

8. Will Detours for Motor Vehicles Be Required? No If so, where? _____

9. Formation Location & Time for Participants: N/A

10. Dismissal Location & Time for Participants: N/A

11. Additional Parade Information:

• Number of Floats: N/A

• Locations of Viewing Stations: _____

• Are Weapons Being Carried: Yes _____ No _____

• Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No _____

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2016 SEP 22 P 6 26

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHAL
1 Green Street
FIRE CHIEF
Greenleaf Street
DEPUTY DIRECTOR
Perry Way
CITY CLERK
80 Pleasant St

[Signature] GT Stenmark
[Signature] 9/2/2016
[Signature]

- 1) *"Procedure"* All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, directors, charity foundation or designee apply for authorization to hold the event through the Office of Clerk. The City Clerk upon review of the completed form will place the application on the regular City agenda. Upon following the procedures of the Council, as deemed appropriated in the sole judgment of the Council, the application will be considered approved if the Council votes favorably by majority. The event will have one person responsible on the application and shall provide contact information to include name, address and telephone number.
- 2) *"Exemptions"* Each event organizer or organization shall comply with this ordinance and no exemptions are permitted.
- 3) *"Course map"*, All applications shall be accompanied by a course map showing the event route, water refreshment stops, and so-called "porta-potties". The course map shall also include any road closures, and parking areas. The course map shall be approved by Police, Fire, Department of Public Services, Commission and Harbormasters Departments prior to submission to the City Clerk.
- 4) *"Electronic Amplifier"* Electronic amplifiers, loudspeakers and bullhorn use shall be requested at application. Under no circumstances will they be used for public address announcements or music before 9:00 A.M. except for Sundays when electronic amplifiers, loud speakers or bullhorns will be used for public announcements or music before 9:00 AM. This shall be deemed a requirement for all permitted events regardless of type or location.
- 5) *"Road Closure"* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained on an approved permit. It is the sole responsibility of the race organizers to notify residents ten (10) days in advance. Neighborhood roads will be closed if no alternate route is available to those residents.
- 6) *"Insurance"* All events shall have an insurance policy or rider in effect for the event naming the City of Newburyport as an insured. The policy shall be no less than two million dollars (\$2,000,000.00).
- 7) *"Event termination"* If in the judgment of the City Marshal, Fire Chief or Department of Public Services Director or designees thereof determine that an event is unsafe due to existing conditions, that event shall be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the Harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.
- 8) *"Event and traffic Security"* The City Marshal, Fire Chief, DPS Director or in the case of a triathlon the Harbormaster can require special duty personnel to oversee the safety and security of the event. All special assignments will be paid by the event organizers.
- 9) *"Clean-up"* The event organizers shall be responsible for post event trash collection, removal of directional arrows, advertisements or other promotional material associated with the event.

13-101 Enforcement

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

3

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- (b) "Warning" In the circumstance that this ordinance is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the City Clerk and City Council and may be used as a factor in future application approvals and denials.
- (c) "Noncriminal Disposition" If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided in Massachusetts General Law as adopted by the City of Newburyport as a general ordinance in Subsection 1-17 of Chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in 13-101(d)
- (d) "Violation" The non-criminal violation shall be \$100.00 for the first offense and \$250.00 for second and subsequent offenses. Any non-criminal citations issued for violation(s) will be reported to the City Clerk and City Council and shall be used as a factor in future application approvals and denials.

I fully understand and agree to all the terms set forth in this application. The information that I have provided is truthful and accurate. I accept all responsibility related to this event.

Signed: Michael St. Laurent

Date: Sept 1, 2016



Paul Hogg <PHogg@cityofnewburyport.com>

to Mike ▾

Hi Mike

I am ok with this. You can use my email as approval.

Respectfully

Capt. Paul Hogg

Newburyport Harbormaster

Shellfish Officer

60 Pleasant St.

Newburyport MA, 01950

Cell 1-978-360-6963

Office 1-978-462-3746





Newburyport Parks

One-Day Use Permit Application

Applicant Information

Name of organization LOCO Sports, Inc.
Contact name Michael St. Laurent
Address P. O. Box 423
City Newmarket
State NH Zip 03857
Phone 603 767 1230 Fax none
Email Mike@locorunning.com

Scheduling Information

Date of Application August 29, 2016

We request use of:

- Atwood Park - South End
Basketball Court
Tennis Court
Brown Square
Cashman Park - North End
Cushing Park
Basketball Courts
Joppa Park at the Sea Wall - South End
Jason Sawyer Playground - Plum Island
Basketball Court
Pavilion
Perkins Park - South End
Basketball Courts
Tennis Courts
Moseley Woods Pavilion
Bartlet Mall
Rail Trail

Dates/days requested Sunday, Nov. 13, 2016

Time slot requested 10 AM - 12:00 Noon

Activity Running Road Race Number of attendees 600 - 700

Authorized Applicant Signature Michael St. Laurent

FOR INTERNAL USE ONLY

- Approval is contingent upon approval from the following authorities:
Health Department
Fire Department
Police Department For Washington St. Crossing
Licensing Commission
City Council
Harbormaster
No further approvals needed

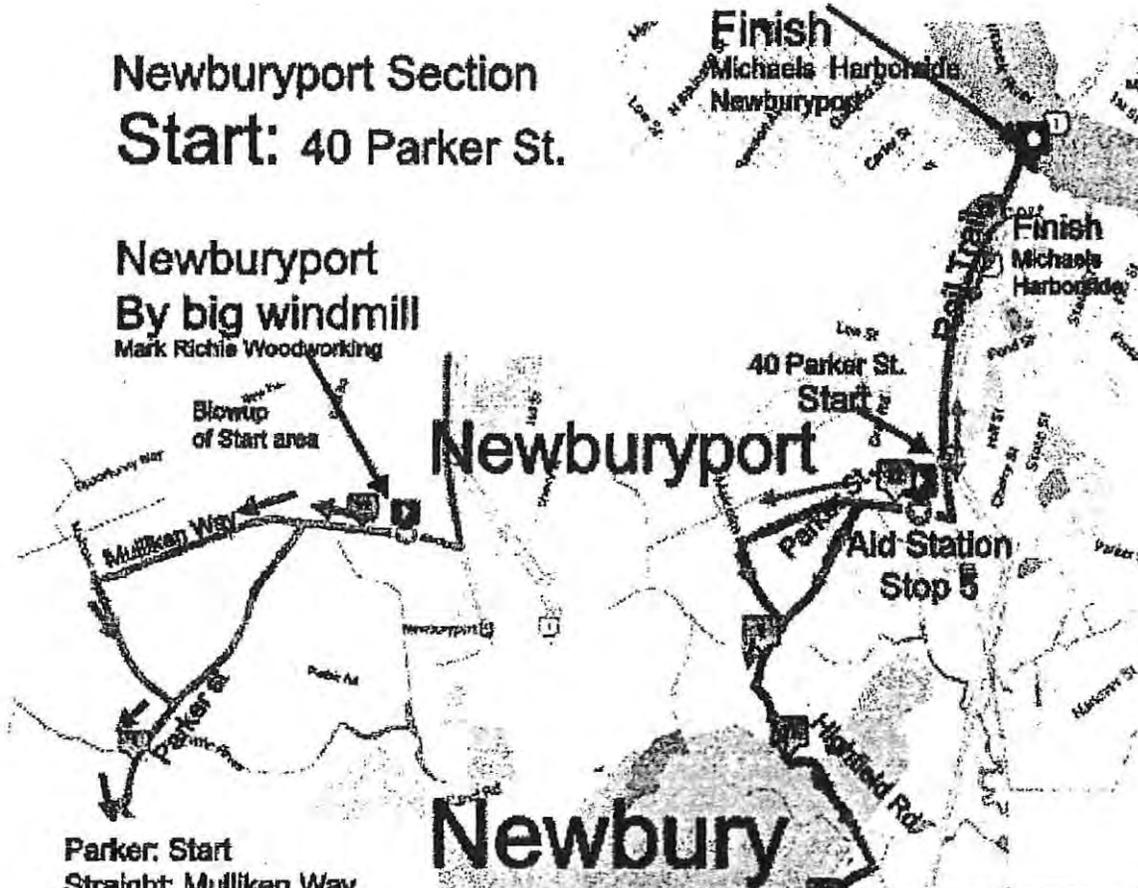
ADDITIONAL COMMENTS:
Please do not block rail trail with any obstructions This permit does not give you exclusive use of the Clipper City Rail Trail; please inform participants and/or be sure to employ adequate staff or volunteers to ensure that the trail is open to the general public for regular use at all times during your event. No signage allowed on trail. Please remove all trash from trail after your event.

Submit completed form to
Newburyport Parks
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950
parks@cityofnewburyport.com
978-465-4462

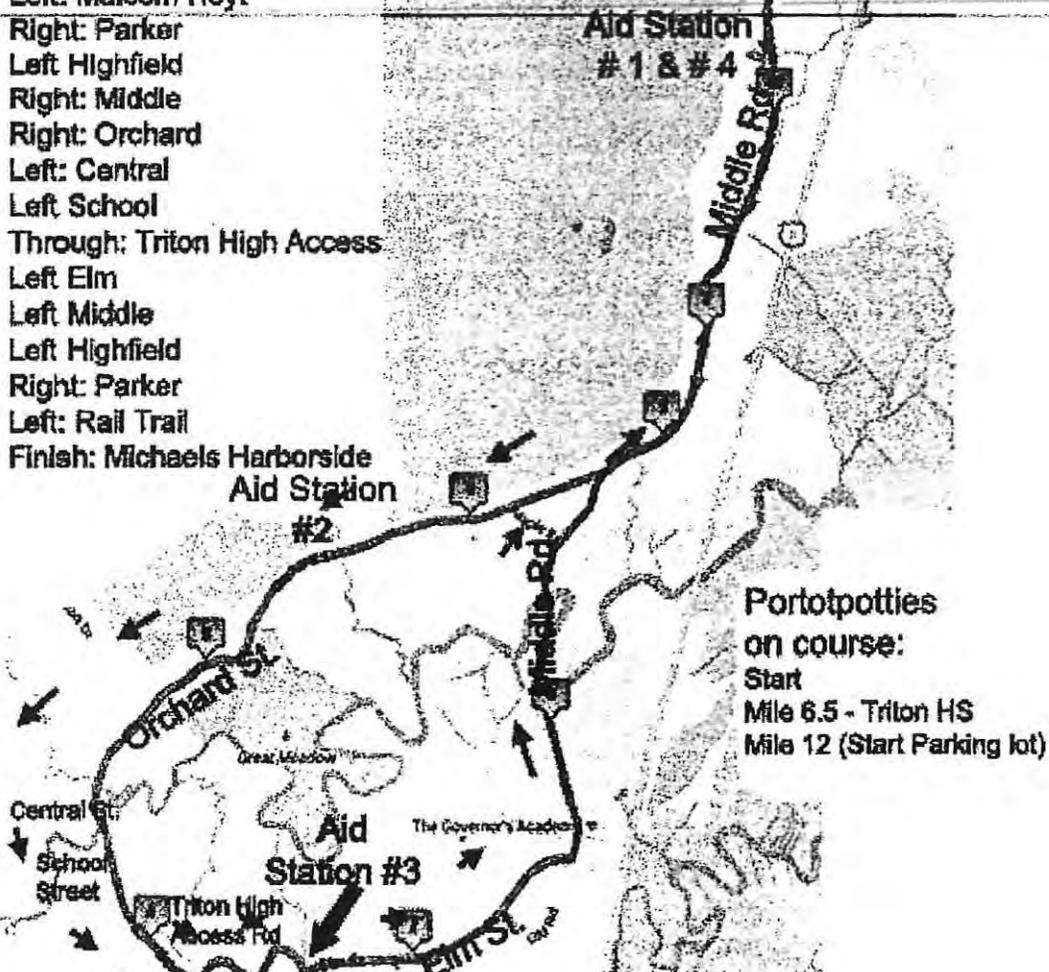
For Parks Commission Use
Date reviewed 9/19/2016
Approved X
Rejected
Comments
Donation received

Newburyport Section
Start: 40 Parker St.

Newburyport
 By big windmill
 Mark Richie Woodworking



- Parker: Start
- Straight: Mulliken Way
- Left: Malcolm Hoyt
- Right: Parker
- Left Highfield
- Right: Middle
- Right: Orchard
- Left: Central
- Left School
- Through: Triton High Access
- Left Elm
- Left Middle
- Left Highfield
- Right: Parker
- Left: Rail Trail
- Finish: Michaels Harborside



Portapotties
 on course:
 Start
 Mile 6.5 - Triton HS
 Mile 12 (Start Parking lot)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

9/11/2015

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

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

PRODUCER		CONTACT NAME: Margaret M. Mayers	
STAR Insurance - Fort Wayne Office		PHONE (A/C, No, Ext): (260) 467-5689	FAX (A/C, No): (260) 467-5691
2130 East Dupont Road		E-MAIL ADDRESS: margaret.mayers@starfinancial.com	
Fort Wayne IN 46825		INSURER(S) AFFORDING COVERAGE	
		INSURER A National Casualty Company	NAIC # 11991
INSURED		INSURER B Nationwide Life Insurance Co.	66869
Road Runners Club of America/2015 and Its Member Clubs		INSURER C:	
1501 Lee Highway, Suite 140		INSURER D:	
Arlington VA 22209		INSURER E:	
		INSURER F:	

COVERAGES CERTIFICATE NUMBER: 2015 \$2M A. I. REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Legal Liability to Participant \$2,000,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			KRO0000004913300	12/31/2014 12:01 AM	12/31/2015 12:01 AM	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ Unlimited PRODUCTS - COM/OP AGG \$ 2,000,000 Abuse and Molestation \$ 500,000 Abuse & Molestation Aggregate \$5,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			KRO0000004913300	12/31/2014 12:01 AM	12/31/2015 12:01 AM	COMBINED SINGLE LIMIT (Ea accident) \$ 2,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A <input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Excess Medical & Accident (\$250 Deductible/Claim)			SPX0000026656100	12/31/2014 12:01 AM	12/31/2015 12:01 AM	Excess Medical \$10,000 AD & Specific Loss \$2,500

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

CERTIFICATE HOLDER IS NAMED AS AN ADDITIONAL INSURED AS RESPECTS THEIR INTEREST IN THE OPERATIONS OF THE NAMED INSURED. DATE OF EVENT(S): 11/15/15 Harborside Half Marathon INSURED RRCA CLUB/EVENT MEMBER: LOCO Sports, Inc., Att'n: Arlon Chaffee, PO Box 423, Newmarket, NH 03857

CERTIFICATE HOLDER	CANCELLATION
11/15/15 City of Newburyport, MA PO B ox 550 Newburyport, MA 01950	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE John Lefever/MMA

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FOR PARADE, ROAD RACE AND WALKATHON-EVENTS ONLY

PARADE _____ ROAD RACE X WALKATHON _____

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon:

FUEL TRAINING STUDIO

2. Name, Address & Daytime Phone Number of Organizer:

JULIE BOLCAT 617-694-5489

75 METUMAC ST.
WENBURY MA 01952

RECEIVED
 CITY CLERK'S OFFICE
 WENBURY, MA
 2016 OCT - 3 P 2:38

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up

SAME AS ABOVE

4. Date of Event: MAY 7th, 2017 Expected Number of Participants: 1300

5. Start Time: 9:15 AM Expected End Time: 1:00 PM.

6. Road Race, Parade or Walkathon Route: (List street names & **attach map of route**):

ATTACHED

7. Locations of Water Stops (if any): ~~SEE MAPS~~ HOWEVER LABELLED ON MAPS ATTACHED

8. Will Detours for Motor Vehicles Be Required? NO If so, where? _____

9. Formation Location & Time for Participants: 9:00 AM. METUMAC + OAKLAND ST.

10. Dismissal Location & Time for Participants: CASHMAN PARK 1:00 PM.

11. Additional Parade Information:

- Number of Floats: _____
- Locations of Viewing Stations: _____
- Are Weapons Being Carried: Yes _____ No _____
- Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No _____

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY.

CITY MARSHAL [Signature] 9/28/15* 4 Green St. FIRE CHIEF [Signature] 9/27/16 0 Greenleaf St.

DEPUTY DIRECTOR [Signature] 16A Perry Way CITY CLERK [Signature] 60 Pleasant St.

* See attached letter

DEPARTMENT APPROVAL (for Committee Member use only):

It will be necessary for you to obtain permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event, and others may require advance payment.

<i>Approval Required</i>	Date: _____	Signature _____
_____	1. Special Events: _____	
_____	2. Police: _____	
	Is Police Detail Required: _____	# of Details Assigned: _____
_____	3. Traffic, Parking & Transportation: _____	
_____	4. ISD/Health: _____	
_____	5. Recycling: _____	
_____	6. ISD/Building: _____	
_____	7. Electrical: _____	
_____	8. Fire: _____	
	Is Fire Detail Required: _____	# of Details Assigned: _____
_____	9. Public Works: <i>Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply</i>	
	<input type="checkbox"/> Yes: \$ _____ due on _____	<input type="checkbox"/> No Fee for Special Events applies
	Other requirements/instructions per DPS _____	
_____	10. Recreation Department: _____	
_____	11. License Commission _____	

The Departments listed above have their own application process. Applicants are responsible for applying for and obtaining all required permits & certificates from the various individual Departments.

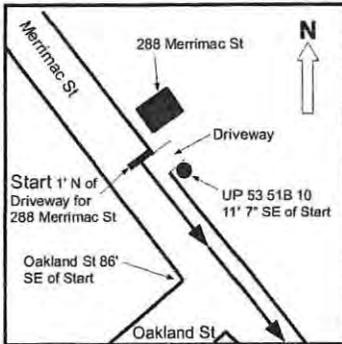
Provisions

- (a) *"Procedure"* All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, board of directors, charity foundation or designee apply for authorization to hold the event through the Office of the City Clerk. The City Clerk upon review of the completed form will place the application on the regular City Council agenda. Upon following the procedures of the Council, as deemed appropriated in the sole judgment of the Council, the application will be considered approved if the Council votes favorably by majority. The event will name one person responsible on the application and shall provide contact information to include name, address and telephone number.
- (b) *"Exemptions"* Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.
- (c) *"Course map"*, All applications shall be accompanied by a course map showing the event route, water stops, refreshment stops, and so-called "porta-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by Police, Fire, Department of Public Services, Parks Commission and Harbormasters Departments prior to submission to the City Clerk.
- (d) *"Electronic Amplifier"* Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8:00 A.M. except for Sundays when electronic amplifiers, loud speakers or bullhorns will be used for public address announcements or music before 9:00 AM. This shall be deemed a requirement for all permitted events regardless of type or location.

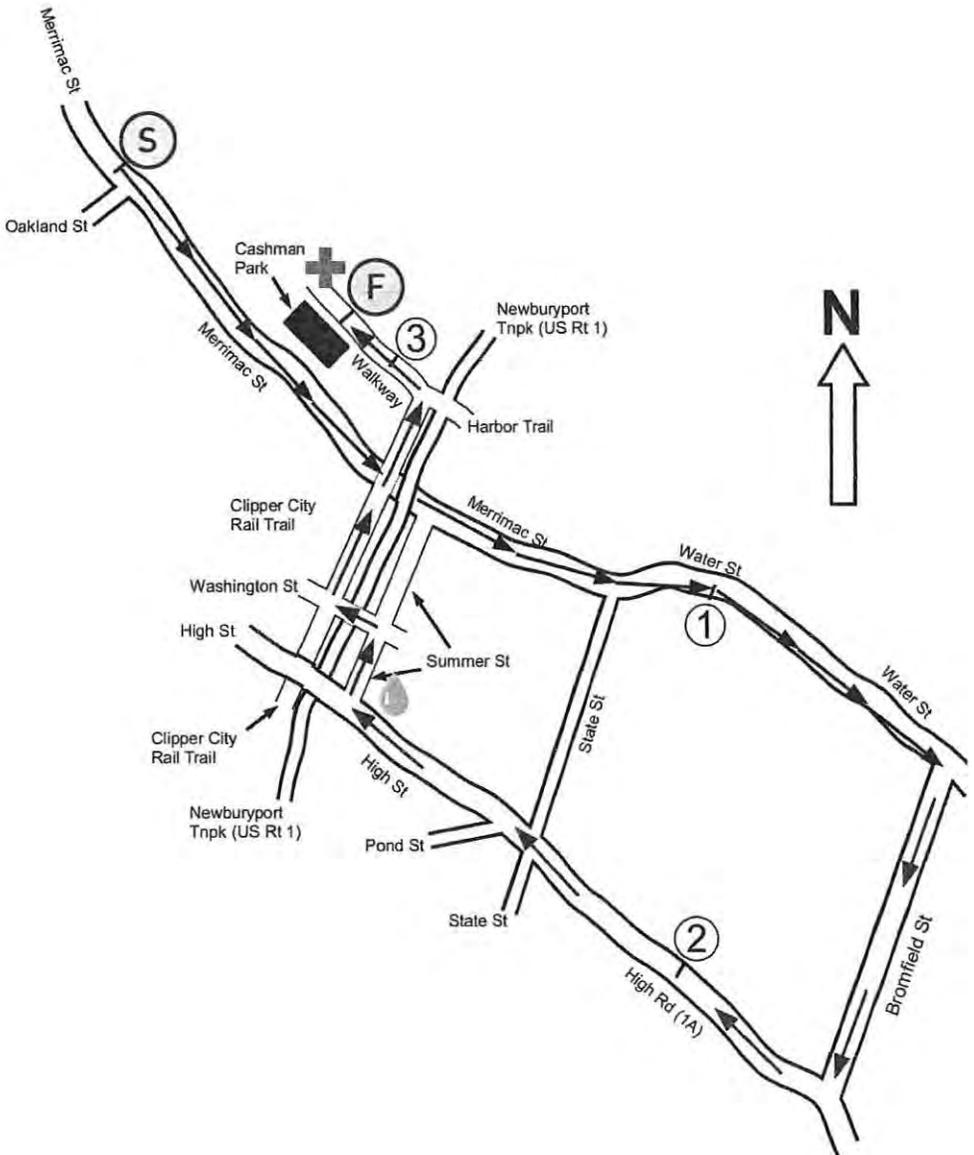
newburyport river run 13.1 & 5K

USATF Certificate MA15007BK
Effective Nov 27, 2015 - Dec 31, 2025

Start Detail



Finish Detail



① — ③ MILE MARKERS

RED CROSS 
Finish line, Cashman Park

WATER STAND 
Mile 2.25 High St.



CITY OF NEWBURYPORT

POLICE DEPARTMENT

MARK MURRAY
CITY MARSHAL

RICHARD J. SIEMASKO
SENIOR LIEUTENANT

4 GREEN ST
NEWBURYPORT, MA
01950

TEL: 978-462-4411

To Whom it May Concern,

Regarding the Fuel ½ Marathon and 5k I approved the application. However I still have concerns regarding the course which I consider highly problematic.

Having 2 races go through the downtown and later State and High St's cause major traffic congestion and delays. Especially ½ Marathon which goes through State and High near the end of the race, it is necessary to hold up traffic for extended lengths of time causing traffic to back up significantly. Traffic cannot be detoured as there is no re-routing option.

The only way to deal with this traffic is to stop it and only allow traffic to proceed when gaps in the runners occur.

The out and back section on Olde Rowley Rd is also concerning. The lead motorcycle had great difficulty negotiating this section last year as he was leading the race back into the race. The dirt road is quite narrow and the number of runners exceeds the capacity of the road.

I highly recommend that the race organizers find an alternate route which takes the runners away from the congested areas of the city, not directly into them.

Sincerely,

Richard J. Siemasko
Senior Lieutenant

Applicant Information

Name of organization FUEL TRAINING STUDIO
 Contact name JULIE BOLEAT
 Address 75 MERRIMAC ST.
 City NEWBURYPORT
 State MA Zip 01950
 Phone 617-694-5489 Fax _____
 Email JTB@FUELTRAININGSTUDIO.COM

Scheduling Information

Date of Application SEPT 22ND

We request use of:

- | | | |
|--|---|--|
| <input type="checkbox"/> Atwood Park - South End | <input type="checkbox"/> Cushing Park | <input type="checkbox"/> Perkins Park - South End |
| <input type="checkbox"/> Basketball Court | <input type="checkbox"/> Basketball Courts | <i>(For ball field please use "Field Use Permit Form")</i> |
| <input type="checkbox"/> Tennis Court | <input type="checkbox"/> Joppa Park at the Sea Wall - South End | <input type="checkbox"/> Basketball Courts |
| <input type="checkbox"/> Brown Square | <input type="checkbox"/> Jason Sawyer Playground - Plum Island | <input type="checkbox"/> Tennis Courts |
| <input checked="" type="checkbox"/> Cashman Park - North End | <input type="checkbox"/> Basketball Court | <input type="checkbox"/> Moseley Woods Pavilion |
| <i>(For ball field please use "Field Use Permit Form")</i> | <input type="checkbox"/> Pavilion | <input type="checkbox"/> Bartlet Mall |
| <input checked="" type="checkbox"/> Basketball Courts | <input type="checkbox"/> March's Hill | <input type="checkbox"/> Rail Trail |
| <input checked="" type="checkbox"/> Tennis Courts | <input type="checkbox"/> Basketball Court | |

Dates/days requested _____
 Time slot requested MAY 7TH SUNDAY 6 AM - 3 PM
(1 1/2 hour blocks)
 Activity POST RUNNING RACE FESTIVITIES Number of attendees 1200

Authorized Applicant Signature _____

FOR INTERNAL USE ONLY

Approval is contingent upon approval from the following authorities:

- Health Department
- Fire Department
- Police Department
- Licensing Commission
- City Council
- Harbormaster
- No further approvals needed

ADDITIONAL COMMENTS:

Submit completed form to
 Newburyport Parks
 Newburyport City Hall
 60 Pleasant Street
 Newburyport, MA 01950
 parks@cityofnewburyport.com
 978-465-4462

See page 2 for Rules and Regulations and contacts for use of other parks and recreational facilities

For Parks Commission Use
Date reviewed _____
Approved _____
Rejected _____
Comments _____

Donation received _____



Chapter 11 Parks and Recreation, Article III Recreation Areas, Section 11-51

1. All other city ordinances applying to public areas also apply to these parks, including but not limited to the following:
 - a. Dogs must be leashed and animal waste cleaned up and disposed of pursuant to Chapter 3, Article 2 of the Code of Ordinances.
 - b. No littering is allowed.
 - c. No vandalism, damage or defacement or other acts of willful destruction of property is allowed.
 - d. Loud noise, music, and other sounds are prohibited from 10:00 pm to 7:00 am pursuant to Section XI-G of the zoning ordinance.
 - e. No snowmobiles, motorcycles, motorbikes or other motorized vehicles, with the exception of wheelchairs are allowed unless specifically authorized by city council vote.
 - f. For other activities regulated by city ordinances, additional authorization may be required by the appropriate city authority.
 - g. No activities are allowed that would potentially endanger members of the public.
2. No activities are allowed which would disturb the quiet use and enjoyment of said parks without authorization.
3. No commercial activities are allowed without authorization.
4. No commercial activities of any nature shall be allowed on any portion or section of the Bartlett Mall unless for specific, non-profit events that benefit the Newburyport community as approved by the Bartlett Mall Commission.
5. No unauthorized vehicular parking is allowed in areas other than parking lots, in accordance with signage in the parking area. No unauthorized vehicles are allowed in areas other than driveways and parking lots.
6. Alcoholic beverages are not allowed without authorization.
7. Horses are not allowed except as authorized.
8. No Dogs shall be allowed on tennis courts, fountains or other restricted park areas.
9. No bicycling, rollerblading, snowboarding, or skateboarding is allowed on park play equipment or site furnishings, including benches, curbs, walls, statuary, handrails, fountains, ponds, tennis courts, playing fields, etc. In some locations, as indicated by signage, bicycling, rollerblading, and skateboarding are not allowed at all.
10. Trash receptacles in parks are intended for the collection of refuse related to park use; the disposal of other items in park trash receptacles is not allowed. There is no dumping of private yard waste.
11. No unauthorized posting of bills, signs, or any other materials is allowed.
12. No fires are allowed except in approved, specified locations.
13. No fireworks are allowed without written permission from the Fire Chief.
14. No firearms are allowed.
15. No unauthorized camping is allowed.
16. No unauthorized change of any sort to the property, vegetation, equipment or structures in the park is allowed, including trimming, pruning, removal or harming of plantings.
17. No unauthorized use of water or electrical receptacles in the park is allowed with the specific exception of drinking fountains.
18. No unauthorized soliciting is allowed.
19. Athletic field lighting shall be turned off by 10:00 p.m.
20. Said authorization may also be denied on any of the following grounds:
 - a. the application for permit (including any required attachments and submissions) is not fully completed and executed;
 - b. the application for permit contains a material falsehood or misrepresentation;
 - c. the applicant is legally incompetent to contract or to sue and be sued;
 - d. the applicant or the person on whose behalf the application for permit was made has on prior occasions damaged park property and has not paid in full for such damage, or has other outstanding and unpaid debts to the relevant commissions;
 - e. a fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing uses or activities which do not reasonably permit multiple occupancy of the particular park or part hereof;
 - f. the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the park's commission and previously scheduled for the same time and place;
 - g. the proposed use or activity is prohibited by or inconsistent with the classifications and uses of the park.
21. Fines for violation of these rules shall be established by city ordinances.
22. Any application made pursuant to these rules and regulations shall be processed in order of receipt and the authorizing board or commission shall decide whether to grant or deny an application within 30 days unless, by written notice to the applicant, it extends the period an additional 15 days.
23. Denial of an application for a permit shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall contain a proposal by the relevant commission for measures by which the applicant may cure any defects in the application for permit or otherwise procure a permit.

In reference to the foregoing, the board or commission that may authorize activities is as follows:

1. For all city parks not otherwise specified here, the Parks Commission is the authorizing agency. Application for activities should be made to the Parks Commission.
2. For Atkinson Common, the board of commissioners of Atkinson Common is the authorizing agency. Application for activities should be made to the board of commissioners of Atkinson Common.
3. For Market Landing Park and other Waterfront Trust property, the Newburyport Waterfront Trust is the authorizing agency. Application for activities should be made to the Newburyport Waterfront Trust. At times when organized activities are authorized, the permitted person or organization has exclusive right to use the designated area, and others shall not disrupt the activity or intrude on the area.
4. For Bartlett Mall, the board of commissioners of Bartlett Mall is the authorizing agency. Application for activities should be made to the board of commissioners of Bartlett Mall.
5. For Moseley Woods, the board of commissioners of Moseley Woods is the authorizing agency. Application for activities should be made to the board of commissioners of Moseley Woods.

Lise Reid,
Parks Director
978-465-4462
parks@cityofnewburyport.com

Chapter 11 Parks and Recreation, Article III Recreation Areas, Section 11-51
1 All other city ordinances applying to public areas also apply to these parks, including but not limited to the following:
a These must be leashed and animal waste cleaned up and disposed of pursuant to Chapter 3, Article 2 of the Code of Ordinances



Good evening Superintendent Viccaro,

I am writing on behalf of the Squires Glen neighborhood with a formal request to add a crossing guard to the Low St./Coltin drive intersection. Attached please find a letter from the neighborhood as well as signatures of 25 households with school aged children, who are in support of this request.

Many thanks for your time,

Sincerely,

Erin LaRosa and the Squires Glen neighbors

October 4, 2016

Dear Superintendent Viccaro,

We are writing today with a safety concern affecting the children of the Squires Glen neighborhood, which lies between Hale and Low Streets. For many years, the children of this large residential neighborhood have walked to the Molin, Nock, High School and RVCS schools via a path that cuts through the back side of the Port Rehabilitation Nursing center. This cut-through allowed access to the Low St./Hale St./Toppans Lane crossing guard where the kids could safely cross over Low St. Now that the Rehab center is currently under construction and has removed the path and blocked access, many of our children must cross Low Street at Coltin Drive.

We are writing to ask that the school district consider adding a crossing guard to the Low St./Coltin Dr. intersection. This particular intersection lies just adjacent to the Low St. Hospital entrance. While some of the traffic here is stopped waiting to take a left hand turn into the hospital, there are many cars who illegally veer around the stopped traffic to continue down Low St. This poses a significant safety risk for kids using the cross walk to cross Low St., which lies just beyond the turn to the hospital. It feels like an accident waiting to happen.

Our kids are fearful of crossing Low St. alone as we have witnessed near misses when one car stops to let a child cross, and other cars veer around the stopped car, unaware that a child is crossing. This is an unsafe intersection for any child to cross alone.

Our neighborhood is large, and we have many families and children at all five schools (K-12) who would benefit from the addition of this crossing guard. Attached is a list of parents would support such an addition.

Many thanks for your consideration.

Sincerely,

Squires Glen Neighbors

Contact person:

Erin LaRosa

8 Wildwood Dr.

erinleighmoon@yahoo.com

978-463-0477

cc:

Mayor Donna Holaday

Building Principals:

Tara Rossi

Lisa Furlong

Kristina Davis

Amy Sullivan

Michael Parent

Andy Willemsen

City Councilors:

Larry Guinta – Ward 5 councilor

Bob Cronin – Public Safety committee member

Juliet Walker – Walking and Wheeling Newburyport

**APPOINTMENTS
FIRST READING**



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR
CITY OF NEWBURYPORT, MA

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

978-465-4413 PHONE

978-465-4402 FAX

RECEIVED
MAYOR'S OFFICE
NEWBURYPORT, MA

2016 SEP 21 P 1:52

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: September 27, 2016
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Cultural Council. This appointment will expire on October 1, 2019.

Vaughn Abbott
61 Prospect Street
Newburyport, MA 01950



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 OFF
NEWBURYPORT, MA

2016 OCT -3 P 1:

To: President and Members of the
City Council
From: Donna D. Holaday, Mayor
Date: October 3, 2016
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a Constable for the City of Newburyport for civil business. This term will expire on December 1, 2019.

Paul S. Cardaci
135 Beach Road, Unit C5
Salisbury, MA 01952

THE COMMONWEALTH OF MASSACHUSETTS

GENERAL LAWS

CHAPTER 41 §91B

"Constables shall not be appointed by Mayors or Selectmen under ninety-one or ninety-one A except as hereinafter provided. A person desiring to be appointed as aforesaid shall make a written application therefor to the appointment authority stating his reasons for desiring such appointment and such information as may be reasonably required by said authority relative to his fitness for said office. Such application shall also contain a statement as to the moral character of the applicant signed by at least five reputable citizens of the city or town of his residence, one of whom shall be an attorney-at-law. The appointing authority shall also investigate the reputation and character of every applicant and his fitness for said office. The Chief of police or other official having charge of the police shall upon request give the appointment authority all possible assistance in making such investigation. The office of constable shall be filled only by appointment of an applicant hereunder who is found by the appointment authority, after investigation as aforesaid, to be a person of good repute and character and qualified to hold said office."

I, the undersigned, sign this voluntarily as to the moral character of Paul S Cardaci

Linda Mihelis
Name

135 Beach Rd. Salisbury, MA
Address

Linda Mihelis
Signature

Nick G. Mihelis
Name

135 Beach Rd. Salisbury, MA
Address

Nick G. Mihelis
Signature

Name

Address

Signature

Jill Tapper
Name

135 BEACH RD
Address

Jill Tapper
Signature

RAYMOND A PRITCHARD
Name

2 BARTLETT DR., NEUBURYPORT, MA
Address
01950

Raymond A. Pritchard
Signature



31A Pleasant Street, Unit 4
Newburyport, MA
01950
p. 978-462-0243
f. 888-426-5556
don@PitmanLawOfficesLLC.com
www.PitmanLawOfficesLLC.com

September 22, 2016

The Honorable Donna D. Holaday
Mayor, City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

RE: Paul Cardaci

Dear Mayor Holaday:

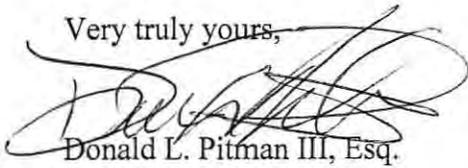
It is my pleasure to submit a letter of recommendation on behalf of Paul Cardaci for the renewal of his constable's licensure.

Over my 20 years of practicing law, I have utilized numerous different constables for a variety of cases. It goes without saying that a constable is perhaps not the most welcome person that someone sees when a legal case is about to start; however, I have often heard that Mr. Cardaci was respectful, reasonable, and courteous in his dealings with opposing parties. I have never received a complaint about him and, in fact, parties that I have had to serve documents to have often asked for his information in case they have to do the same at some point. That is not an approbation provided to many constables. His work is excellent and timely, and he is a credit to his profession.

I unhesitatingly recommend that Mr. Cardaci's commission be renewed and he remain a constable of Newburyport for so long as he wishes to continue in this profession.

Please contact me with any questions you may have, and thank you for your consideration of my letter.

Very truly yours,



Donald L. Pitman III, Esq.

DP/aam



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

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

2016 OCT -4 A 11:27

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: October 4, 2016
Subject: Appointment

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

Susan Bryant Carnduff
12 Washington Street
Newburyport, MA 01950

SUSAN BRYANT CARNDUFF

**12 Washington Street
Newburyport, Massachusetts 01950 USA
1-978-462-3667; mobile: +1-508-633-5737
susancarnduff@verizon.net**

PROFESSIONAL EXPERIENCE

LEGAL/MANAGEMENT

Senior Resident Director, Afghanistan

April 2008 – June 2010

National Democratic Institute for International Affairs

The Director is based in Kabul and oversees the implementation of NDI's political development programs throughout the country. These include, in part, training and advising the provincial council members in several provinces, assistance to the national parliament, programs for women in politics and political party development. During electoral periods, NDI undertakes additional programs in furtherance of the electoral process, including robust election observation missions. The Director's is directly responsible for the leadership and management of 90-100 Afghan staff and 5-7 international staff located in Kabul, Herat, Kandahar, Kunduz, Balkh, Nangarhar and Khost provinces.. The Director is supported by a team based in Washington, DC.

Country Director, Uzbekistan/Turkmenistan

American Bar Association Central European and Eurasian
Law Initiative (ABACEELI)

Oct 2004 – Oct 2006

Based in Tashkent, Uzbekistan, the Country Director was responsible for managing ABACEELI's rule of law reform project in these two Central Asian republics, formerly part of the Soviet Union. The office in Uzbekistan was among the largest of CEELI's programs in the region, until it was ordered closed by the Uzbek government during the summer. The expulsion was part of a determined effort to eliminate internationally funded democracy programs in the country. Prior to the closure, key responsibilities centered on directing and managing the full range of programmatic and administrative functions of the office. These responsibilities included overseeing the implementation of impact programming and managing donor relationships, budgets and personnel matters in the field. Other major tasks included maintaining relationships with and support for local implementing organizations as well as other international organizations. During the period, the office employed five American lawyers and thirty-five resident staff, including lawyers and support staff. Donor organizations included USAID, UDOS, USDOJ, and the Swiss, UK and Dutch Embassies. The situation in both countries was unusually challenging as a result of a dramatic change in government policy toward foreign organizations. In Uzbekistan, the hostility of the government grew exponentially during these two years, making program design and implementation increasingly difficult. The culmination of this process was the final order to liquidate the entire operation. ABACEELI managed to terminate its programs and close its office in a professional and dignified manner.

Director, Department of Elections

Organization for Security and Cooperation in Europe (OSCE)
Mission in Kosovo

June 2002 – Feb 2004

Responsible for managing the OSCE mandate from UNMIK to organize, implement and supervise internationally run elections in Kosovo. After directing the successful completion of Municipal Elections in 2002, assumed responsibility for restructuring and redirecting the very large department to create and prepare a local infrastructure to run the field operation of the 2004

Kosovo Central Assembly elections. The post required that the Director be capable of providing substantive vision and planning in a perpetually changing internal and external environment. Further, it required management of operational and technical outcomes which were highly visible and measurable. The Director also advised the Head of Mission on electoral matters and managed relationships with relevant international and local participants. The demands of the post were similar to those of Directors in other large missions. However, the elements of urgency, finite periods of performance and the significance of impact, added a particularly challenging dimension to the post.

Special Advisor to High Representative/Program Manager – Srebrenica Memorial Site

Office of the High Representative, Bosnia & Herzegovina

Mar 2001 – May 2002

Responsible for structuring and implementing a process for commemorating the victims and burying exhumed and identified remains from the largest massacre of civilians in post World War II Europe. Eight thousand men and boys were killed in July 1995 in Srebrenica area, five months before the Dayton Peace Agreement. Assignment demanded vision, organization, diplomacy, patience and focus in a highly charged atmosphere of grief, politics and international activism. Successfully established the Foundation for the Srebrenica – Potocari Memorial and Cemetery. President Clinton inaugurated the official opening of the site in 2003.

Deputy Head of Elections Department

Organization for Security and Cooperation in Europe (OSCE)

Mission in Bosnia & Herzegovina

June 2000 – Feb 2001

Responsible for the operation and international supervision of the General Elections, in November 2000. Managed a department of 250 international and national staff. Oversaw the work of nine sections in Head Office and election staff in four Regional Centers and 28 field offices. This was the sixth election run by OSCE in BiH. It included all electoral levels and new electoral rules; it was a complex election, and the Department was successful in every respect. Oversaw the reduction of the Department in preparation for transition to national authorities.

International Legal Advisor & Acting Senior International Election Officer

OSCE Mission in Bosnia & Herzegovina

February – June 2000

Post was intended to address the legal elements of transition to local authorities pending Parliamentary approval of new election law. Since the law was not passed, took over the role of Senior Election Officer for the Mostar Region to oversee implementation of the results of the Municipal Elections held in April 2000. Managed the elections staff in regional and field offices for the Mostar region.

Long Term Observer Coordinator (OSCE/ODIHR)

September– December 1999

DUMA (Parliamentary) Elections – Moscow, Russian Federation

Majilis (Lower House of Parliament) Elections – Almaty, Republic of Kazakhstan

Responsible for managing field observation coverage and reporting on conduct of elections.

Senior Int'l Elections Officer – OSCE Mission in BiH

September 1998 – June 1999

Deputy Senior Elections Officer – OSCE Mission in BiH

April 1997 – September 1998

Responsible for the implementation of all elections related matter, initially throughout the Eastern Republika Srpska (RS), later reorganized to include Canton Sarajevo, Canton Gorazde and a significant portion of hardline areas in the RS. Supervised up to 6 field teams and four immediate reports at the Regional Center. A primary challenge was to insure the ability of field teams to achieve high performance standards in occasionally harsh living conditions and hostile working environment.

Consultant, Isaacson, Miller, Boston, MA 1994 -1998
Consultation on legal and executive search procedures for a large diversified firm with nonprofit, government and corporate clients. Focal areas included municipal and state government; international development, humanitarian and human rights advocacy.

Counsel to Receiver/City Attorney, Chelsea, MA 1992 -1993
Appointed to senior management team during state ordered receivership for the municipality. Advised receiver, senior staff and city departments on full range of governance and municipal issues. Restructured city law department, managed significant outside counsel commitments related to economic development, courthouse and school construction, criminal investigations and charter reform.

Assistant Attorney General, Boston, MA 1991 -1992
Represented the Commonwealth of Massachusetts and its agencies in defensive litigation in state and federal courts, at trial and appellate levels. Caseload included statutory challenges, administrative law appeals, contracts and civil rights violation. Coordinated Attorney General's alternative dispute resolution practice; participated in health care task force.

Assistant District Attorney, Middlesex County, Cambridge, MA 1983 - 1991
Prosecuted full range of criminal cases in Superior and District Courts. As Regional Supervising Attorney and member of the District Attorney's senior management team, responsible for management of twenty attorneys, assignment of Superior Court cases and development of prosecution and administrative policies. Director of Summer Intern Program and member of several specialized task forces.

Senior Associate, New England Environmental Mediation Center
Boston, MA 1980 -1983
Ford Foundation supported mediator for environmental disputes involving public and private parties. Issues included land use, zoning, toxic spills, harbor dredging and coastal property rights.

TEACHING

Adjunct Lecturer, Negotiations & Conflict Resolution
Harvard University Extension School, Fall or Spring Terms - 1983 – 1996
Heller School of Social Policy, Brandeis University 1995/1997/1998
City and Regional Planning Program Kennedy School of Government,
Harvard University - Spring Terms 1980 - 1982

International Trainer – Bosnia & Herzegovina
Organization for Security and Cooperation in Europe (OSCE) April – December 1997
Prepared international field staff to supervise municipal, parliamentary and general elections.

EDUCATION

Suffolk University Law School, J.D. and Judicial Internship
Boston, Massachusetts

Tufts University, Politics and Urban Studies (Courses only)
Medford Massachusetts

University of Pennsylvania, A.B. (Political Science/International Relations)
Philadelphia, Pennsylvania

Languages: English (mother tongue); Spanish (working knowledge); French (limited ability);
Serbo/Croatian and Russian (rudimentary)



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

60 PLEASANT STREET - P.O. Box 5
NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

2016 OCT -4 P 2:06

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: October 4, 2016
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Cultural Council. This term will expire on November 1, 2018.

Afroz Khan
85 Prospect Street
Newburyport, MA 01950

AFROZ KHAN

85 Prospect St. Newburyport

617.504.3475

afroz414@gmail.com

Tuesday October 4, 2016

Donna D. Holaday
Mayor
60 Pleasant Street
Newburyport, MA 01950

Dear Mayor Holaday,

I am writing to you to express my interest in serving on the Newburyport Cultural Council. I believe I would be an excellent contributor to this group based upon my past experiences in serving in relevant roles. I am currently the Newburyport PTO Treasurer and the past Treasurer for our Islamic Center in Wayland. Both of those positions have enabled me to have a good foundation on fiscal responsibility and allocation. As Newburyport PTO Treasurer I also chair the Financial Review Committee that reviews all funding proposals brought forth by educators and staff for review, deliberation and decision.

While I have served in these voluntary positions, I am also an electrical engineer that works in the energy efficiency area as a consultant with The Forward Curve. I have attached my resume which includes details on my professional background. While I have a technical background, I am passionate about bringing diversity to Newburyport's portfolio of cultural enrichment.

Sincerely,

Afroz K. Khan

Afroz Khan, Senior Consultant Energy Efficiency

85 Prospect St., Newburyport MA 01950

617-504-3475

Afroz414@gmail.com

PROFESSIONAL HIGHLIGHTS

Afroz Khan is an electric power engineer with over 20 years of experience with utility programs. Her expertise is in providing an analytical approach to a wide range of projects, including program evaluations, strategic planning, market characterization studies, technical reference manual reviews and energy-saving potential assessments. Afroz has also led national, regional and local efforts that involved building consensus amongst a group of stakeholders through capable project management and facilitation skills.

PROFESSIONAL EXPERIENCE

Senior Consulting Energy Engineer, The Forward Curve, Boston, MA

2015 - present

- **Consolidated Edison (ConEd):** Provide engineering support to validate algorithms to be generated by the energy-efficiency information system for residential and commercial programs. Savings and assumptions were cross-checked with the NY Technical Reference Manual and program managers.
- **Consortium for Energy Efficiency (CEE):** Organized and facilitated a stakeholder session on Commercial Lighting at the 15th Annual CEE Industry Partners Meeting. Conducted research and interviews to determine the approach and direction of the session. Responsible for identifying the appropriate speakers and facilitating a round table discussion on key issues regarding the recently approved CEE specification.
- **Washington Gas:** Conducted a review of the residential behavior program implemented by Opower for Washington Gas. Work included reviewing savings estimates and providing recommendations for future reporting. Best practices were used to gauge the approach applied towards determining savings.

Technical Director, Rouleau Consulting Group, LLC, Gloucester, MA

2010 - 2015

Provide program assessment and strategic planning guidance as well as lead project areas that require analytical and technical expertise, including technology assessments, impact evaluation, and engineering desk reviews.

Projects include:

- **Arkansas Public Service Commission:** On the Johnson Consulting team serving as the Independent Evaluation Monitor (IEM) for the state of Arkansas, serve as the lead on small C&I programs as well as C&I Cooking Equipment, HVAC and Boilers. Responsibilities include providing comments and direction to the Evaluation Contractors concerning design, methodologies, implementation and study logistics.
- **Consolidated Edison (ConEd):** Validated the energy-efficiency tool used by program implementation contractors to generate energy savings and incentives for SBDI, commercial prescriptive programs, and conducted engineering desk reviews of a sample of custom projects
- **National Grid and NSTAR:** Developed strategies to increase participation for National Grid's and NSTAR's Advanced Buildings Commercial New Construction Program in Massachusetts and Rhode Island. Conducted secondary research and interviews with program managers to identify challenges and barriers in current program design and delivery. Created program logic model(s) and conducted gaps analysis. Multi-stakeholder sessions were conducted in Massachusetts and Rhode Island to further explore strategies for program outreach and marketing. Program improvement recommendations and strategies were provided in a final report.
- **National Grid (Massachusetts and Rhode Island):** Implemented a grocery pilot project for National Grid (MA). Responsibilities included coordinating with the implementation contractor, marketing the effort

internally and externally, tracking and analyzing progress and results. This grocery effort was adopted as an official National Grid program in 2012.

- **New York State Energy Research and Development Authority (NYSERDA):** Developed informational materials to educate both internal and external audiences about financing options available in New York for energy efficiency and distributed generation projects in the commercial and industrial sectors. Trends and innovative approaches in other regions were also researched and presented in a white paper.
- **Public Service of North Carolina:** As a subcontractor for the Johnson Consulting Group, led the impact evaluation for PSNC's residential and commercial programs. Responsible for identifying methods to validate savings for PSNC's in-home energy audit program. Provided feedback and guidance on bill-review methods with statistical regression techniques.
- **Southern California Edison:** Conducted a program assessment of SCE's cutting-edge demand response/EE new construction (Savings By Design) integration pilot. Developed the Pilot's 2014 strategic plan that is currently being implemented.
- **Washington Gas:** As part of the Johnson Consulting team, conducted impact evaluations for residential natural gas programs offered by Washington Gas. Work included reviewing current savings estimates and refining based on industry accepted findings and recommending validation efforts that include bill reviews and statistical regression techniques.

Senior Program Manager, Consortium of Energy Efficiency, Boston, MA

2003 - 2010

Facilitated and managed national efforts for the commercial sector and led national subcommittees of program administrators who guided the efforts. Developed and launched the Commercial Lighting Initiative and the Commercial Kitchens Initiative for bi-national use and developed and maintained equipment specifications for these efforts as well as for unitary heating ventilation and air conditioning equipment.

Senior Associate, Global Energy Partners, Lafayette, CA

2001 - 2002

Worked as a technical lead for Global Energy Partners, a provider of energy and environmental engineering and technical services. In that role, developed end-use technical catalogues detailing measure life, initial cost, energy savings and reviewed Wisconsin's small business lighting program through interviews and surveys to provide program improvement recommendations.

Senior Consultant, Reliable Power Meters, a Fluke Company, Los Gatos, CA

1999 - 2001

Served as the in-house technical expert at Reliable Power Meters, a manufacturer of power quality monitoring equipment and software. Trained and managed the customer support team on how to field technical questions.

Program Manger, Pacific Gas and Electric Energy Services, San Francisco, CA

1997 - 1999

Worked as part of a technical team at an ESCO focusing on products that would integrate metering data with sophisticated power management tools.

Power Systems Engineer, Electrotek Concepts, Inc, Knoxville, TN

1993 - 1997

Served as a power quality consultant at a firm specializing in mitigating power quality issues as well as educating and training technical utility personnel. Worked closely with EPRI on the execution of engineering studies.

EDUCATION AND CERTIFICATIONS

Master of Engineering, Electric Power

Rensselaer Polytechnic Institute, Troy, NY

Bachelor of Science, Electrical Engineering

University of Alaska-Fairbanks, Fairbanks, Alaska



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

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

2018 OCT -3 P 1:36

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: October 3, 2016
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Board of Health. This term will expire on January 1, 2020.

Dr. Robert E. Slocum
38 Jefferson Street
Newburyport, MA 01950

Robert E Slocum, DO, MPH

38 Jefferson St, Newburyport, MA, rslokes@hotmail.com
978-530-8597

RELEVANT EXPERIENCE:

- 7/14 – present HOLISTIC FAMILY PRACTICE/ANNA JAQUES HOSPITAL, NEWBURY, MA
Family Physician
- Provide comprehensive primary care to men, women and children of all ages in small office setting.
- 9/14 – present WOUND HEALING AND HYPERBARIC CENTER, ANNA JAQUES HOSPITAL,
NEWBURYPORT, MA
Wound Care Physician
- Provide acute and chronic wound care to complex patients as part of multi-discipline wound care team. Supervise hyperbaric treatments.
- 9/15 – 12/15 UNIVERSITY of MASSACHUSETTS, AMHERST
Graduate Student Practicum in Public Health Practice
Anna Jaques Hospital/Whittier IPA, Newburyport, MA
- Worked with senior leadership towards the development of community based disease management programs with focus on increased utilization of visiting nursing, improved discharge planning and transitions of care, optimizing patient education, and increased use of technology as well as process improvement and team building.
- 10/13 – 7/14 GREATER LAWRENCE FAMILY HEALTH CENTER, LAWRENCE, MA
Family Physician
- Provided full spectrum primary care to low income, predominately Latino children and adults in a fast paced, community health setting.
- 9/06 - 9/13 FAMILIES FIRST HEALTH and SUPPORT CENTER, PORTSMOUTH, NH
- 12/08 – 9/13 Medical Director
- Responsible for supervision of clinical staff.
 - Responsible for credentialing of clinical staff.
 - Oversaw patient safety and QI initiatives which included development of protocols for safe practices, nurse triage oversight, and monitoring of quality indicators.
 - Involved in development, oversight and evaluation of an integrated behavioral health program.
 - Served on the Community Health Access Network's health services committee which develops EMR tools and clinical protocols for best practices as well as troubleshoots issues around data collection and reporting.
- 9/06 – 9/13 Family Physician
- Responsible for providing comprehensive primary care to a panel of mostly uninsured, medically and psychosocially complex patients with limited resources.
 - Provided inpatient care to pediatric and nursery patients.

- 7/04 – 7/06 MOUNT SINAI SCHOOL of MEDICINE, FAMILY MEDICINE RESIDENCY at JAMAICA HOSPITAL, NEW YORK
Resident, Family Medicine
- Provided full spectrum comprehensive inpatient and outpatient care to a culturally diverse, low income population in central Queens.
- 7/03 – 7/04 NEW YORK UNITED HOSPITAL / ST. BARNABAS HOSPITAL, NEW YORK
Resident, Osteopathic Manipulative Medicine
- Specialized training program for osteopathic physicians focused on providing traditional osteopathic manipulative therapy to a wide range of patients in both inpatient and outpatient settings
 - Served a low income, primarily Spanish speaking population in the central Bronx
- 6/02 – 7/03 MOUNT SINAI SCHOOL of MEDICINE, FAMILY MEDICINE RESIDENCY at JAMAICA HOSPITAL, NEW YORK
Traditional Rotating Intern, Family Medicine
- Rotated through all major services of busy urban hospital in culturally diverse area of Queens
- 12/97 – 8/98 ST. ANTHONY FREE CLINIC, SAN FRANCISCO, CA
Front Office Staff
- Front office staff at a free clinic serving the homeless in San Francisco's Tenderloin district
 - Triage walk-in patients to nurse or provider visits
- 1/95-6/97 UNIVERSITY of CALIFORNIA, SAN FRANCISCO, CA
Staff Research Associate, Department of Anesthesia
- Conducted physiologic research, assisting in experimental design and manuscript preparation
- 4/94-8/95 UNIVERSITY of CALIFORNIA, SAN FRANCISCO, CA
Hospital Laboratory Technician, Neonatal Intensive Care Unit

EDUCATION:

UNIVERSITY OF MASSACHUSETTS, AMHERST, MA
Masters of Public Health, Public Health Practice, May 2016

TOURO UNIVERSITY COLLEGE of OSTEOPATHIC MEDICINE, VALLEJO, CA
Doctor of Osteopathy, May 2002

UNIVERSITY of MASSACHUSETTS, AMHERST, MA
Bachelor of Science, September 1993
Major: Exercise Science
Minor: Psychology

LICENSE/CERTIFICATIONS:

Diplomat, American Board of Family Medicine, July 2006 & November 2013
New Hampshire State Medical License, Current
Massachusetts State Medical License, Current
DATA 2000 waiver to prescribe buprenorphine, March 2016
ACLS, Current
Basic Life Support, Current
Certificate of Training, Wound Related Procedures, APWCA, March 2016
Basic HIV Counseling Skills for Physicians, June 2002
Identification and Prevention of Domestic Violence, June 2002

PROFESSIONAL COURSES:

American Professional Wound Care Association 2016 Annual Conference, Philadelphia, PA
Grand Hack 2015. MIT Hacking Medicine, Cambridge, MA
The Wound Care Course, NIX Medical Center, San Antonio, Texas, Fall 2014
Hyperbaric Medicine Team Training, NIX Medical Center, San Antonio, Texas, Fall 2014
Reach Out and Read, Online Training Course, Fall 2013
Managing Ambulatory Healthcare: A Program for Medical Directors of Community Health Centers, Harvard School of Public Health, 2009
National Procedures Institute, Dermatologic Procedures, Boston, MA
Behavioral and Developmental Pediatrics, Boston University School of Medicine
Medical Spanish, 4 week Course, APF Languages, Quito, Ecuador
Pain Management Strategies for the Primary Care Physician, NYU
Basic Course in Cranial Osteopathy, Cranial Academy
Introduction to Cranial Osteopathy in Children
Basic Course in Cranial Osteopathy, SCTF

PUBLICATIONS/RESEARCH:

The Opioid Epidemic in America, Causes and Potential Solutions: Focus on Haverhill, MA. MPH capstone project. University of Massachusetts, Amherst. Spring 2016

Cross Cultural Trends in the Use of Complimentary and Alternative Medicine: Family Medicine senior research project. Spring 2006.

Cason BA, Gamperl AK, **Slocum RE**, Hickey RF: Anesthetic-Induced Preconditioning: Prior Administration of Isoflurane Decreases Myocardial Infarct Size in Rabbits. *Anesthesiology*; November 1997.

**END OF CONSENT AGENDA
BEGINNING OF REGULAR AGENDA**

**APPOINTMENTS
SECOND READING**

**APPOINTMENTS
SECOND READING**

Re-Appointments

- | | | | | |
|--------------------|---------------------|--------------------|--------------|----------|
| • APPT066_09_26_16 | Susan Chase | 44 Oak St | Emma Andrews | 10/30/17 |
| • APPT067_09_26_16 | Donna Conway | 27 Marlboro St | Emma Andrews | 10/30/17 |
| • APPT068_09_26_16 | Aine G. Ellrott | 43 Purchase St | Emma Andrews | 10/30/17 |
| • APPT069_09_26_16 | Elizabeth Valeriani | 29 Oak St | Emma Andrews | 10/30/17 |
| • APPT070_09_26_16 | Elizabeth L. Watson | 53 Warren St, #315 | Emma Andrews | 10/30/17 |

Motion to approve the Consent Agenda by Councillor Zeid, seconded by Councillor Vogel. So voted.

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

September 12, 2016

ORDERED:

THAT the City Council of the City of Newburyport approves the Mayor's Fiscal Year 2017 Supplemental Budget Request #1 in the total amount of **\$12,532.88**.

General Fund:	\$10,190.57
Water Enterprise Fund:	\$1,171.15
Sewer Enterprise Fund:	\$1,171.16

Councilor Charles F. Tontar



DONNA D. HOLADAY
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4413 • (978) 465-4402 (FAX)
WWW.CITYOFNEWBURYPORT.COM

To: President and Members of the City Council
From: Donna D. Holaday
Date: September 12, 2016
Subject: Supplemental Budget Request #1

At the conclusion of the FY17 budget approval process there remained \$18,685 in unallocated estimated general fund revenue. My Supplemental Budget Request #1 utilizes \$10,191 of the unallocated general fund revenue, as well as, \$1,171 from water enterprise fund receipts and \$1,171 from sewer enterprise fund receipts.

Since the approval of the FY17 budget, we have renewed and extended two department head contracts and performed a market analysis on a third position. Accordingly, I respectfully request the following items as a Supplemental Budget Request:

- Human Resources Director
Amount: \$5,069.42
Rationale: To bring the salary closer to market level.
- Fire Chief
Amount: \$3,950.00
Rationale: To align stipends with City Marshal contract.
- DPS Director
Amount: \$3,513.46
Rationale: To raise salary, extend contract.

The Supplemental Budget Request totals \$12,532.88 which, as mentioned above, will be covered by unallocated revenue from the FY17 budget process. I look forward to discussing the funding needs in further detail when this request is referred to the Budget and Finance Committee for their review.

Thank you for your consideration.



CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

October 3, 2016

THAT the City Council of the City of Newburyport hereby orders, pursuant to Code Section 13-166, that no person shall park any vehicle on the following streets or portions thereof as follows:

Street: High St.

Restriction: High St, North Side of the street, from Barton Street to a point 33' East of Barton Street. No Parking Anytime.

Furthermore, the City Clerk shall add this restriction to the public list available in the Clerk's office. This list shall be updated and posted on the City of Newburyport website.

Councillor Sharif I. Zeid

ORDINANCES

ORDERED:

AN ORDINANCE TO AMEND CHAPTER 12 -- STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

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

Chapter 12 Streets, Sidewalks and Other Public Places
Article 1 In General

Amend existing Section 12-1.5 regarding signage, merchandising and beautification on public property, as follows, with deletions ~~italicized and double-stricken through~~, and additions italicized and double-underlined:

Sec. 12-1.5. - Signage, merchandising and beautification on public ~~property~~ways.

- (a) One (1) A-frame sign ~~and one (1) display of merchandise are~~ is allowed on public ways for each public entrance to a lawfully occupied commercial building, and, in addition one (1) display of merchandise is allowed on public ways solely for the primary public entrance to a lawfully occupied commercial building, and, in all cases, subject to the standards and criteria herein.
- (b) All A-frame signs shall be placed ~~within one (1) foot of the building and within four (4) feet of the public entrance on the sidewalk directly adjacent to its related building.~~ within one (1) foot of the building and within four (4) feet of the public entrance on the sidewalk directly adjacent to its related building. No A-frame sign shall exceed two (2) feet in width or depth, or four (4) feet in height, nor shall it cover more than four (4) square feet of the sidewalk, measured from any height of such sign. No movable sign shall be attached, affixed, and otherwise secured to the ground, nor to any structure or fixture. The applicant for an A-frame sign under paragraph (f) of this section may petition the city council for relief from ~~In the event that said sign does not meet that above any of these size, movability, and location requirements the applicant may petition the city council for relief.~~
- (c) All merchandise displays shall be placed on the sidewalk directly adjacent to its related building, parallel to and within one (1) foot of an exterior wall of such ~~the~~ building, and with one end located no more than ~~within~~ four (4) feet from its related primary ~~of the~~ public entrance. A merchandise display may be placed as multiple objects, or otherwise in segments or pieces, but in no event shall the total width permitted for each primary public entrance exceed eight (8) linear feet in the aggregate. No merchandise display shall extend from the exterior wall of its related building by more than eight (8) feet parallel to the building facade wall or more than four (4) feet into the public way (sidewalk), nor shall any merchandise display exceed five (5) feet in height above the grade of such sidewalk. No merchandise display shall be attached, affixed, and otherwise secured to the ground, nor to any structure or fixture. No merchandise display shall be located within fifteen (15) feet of the intersection of the sidewalk of two streets. The

owner of a proposed merchandise display may petition the city council for relief from any of these size, movability, and location requirements.

- (d) Notwithstanding section 12-4, a merchandise display may include tables and/or clothing racks, however, ~~no~~ merchandise display shall include any tent, stall, booth, or other structure unless such structure is itself merchandise displayed in accordance with this section, or a permit is granted subject to section 12-4.
- (e) Before placing any A-frame sign or merchandise display ~~on public property~~ on a public sidewalk, the owner thereof shall file with the city clerk a ~~waiver~~ release and agreement to hold the City of Newburyport harmless from any and all liability, together with evidence of liability insurance covering the A-frame sign and/or merchandise display, with a minimum limit of one million dollars (\$1,000,000), and naming the City of Newburyport as a co-insured entity. ~~A statement certifying to said liability policy shall be attached to the sign or merchandise display. The applicant shall maintain such insurance in full force and effect at all times that the A-frame sign and/or merchandise display is in place.~~
- (f) To place an A-frame sign in a public way, the applicant shall first obtain a license, by submitting a written application to the city clerk as directed by that official, and pay ~~A~~ ~~annual~~ a biannual licensing fee of one-hundred dollars (\$100.00) per A-frame sign ~~fifty dollars (\$50.00) shall be paid with an application form as specified by the city clerk.~~
- (g) Provided that the proposed A-frame sign complies with all provisions of this section, the city clerk shall approve each such license applied for a term not to exceed two (2) years from the date of approval. Each licensed A-frame sign shall display upon it the unique license number issued for it by the city clerk, and the date of expiration of the license.
- (~~h~~) Flower boxes, planters, or similar items to beautify ~~the property~~ (beautification items) may be placed on the public sidewalk directly adjacent to a lawfully occupied commercial building with ~~out~~ the prior, written permission of the city council, provided, however, that that city council may order their removal at any time.
- (i) All A-frame signs, merchandise displays, and beautification items placed on a public sidewalk shall preserve a travel lane along such sidewalk that is at least five (5) feet in width, and shall allow for free and unobstructed passage of pedestrians.
- (~~h~~) Enforcement of paragraphs (a) through (i) of this section shall be the responsibility of a city employee designated in writing by the Mayor within the Downtown Overlay District, established under section XXVIII of the zoning ordinance, and of the department of public services for all other locations ~~the Newburyport Police Department and/or building commissioner.~~
- (k) Any sign, merchandise display, or beautification item existing unlawfully within a public way shall constitute a trespass upon public property, and may be removed, without prior notice or compensation to its owner, by the city officer charged with enforcement under paragraph (j) of this section.

(l) Each violation of paragraphs (a) through (i) of this section shall be punishable by a fine of one hundred dollars (\$100.00). Each such violation shall be deemed to constitute a separate offense on each day during which it exists after the giving of notice to the violator.

(m) Prosecution of violations of paragraphs (a) through (i) of this section shall be by non-criminal disposition as provided in M.G.L. c. 40, § 21D, as it may be amended from time to time, the provisions of which are incorporated herein by reference.

Table 12-1.5

The following table is intended to serve as a quick-reference guide to the application of section 12-1.5, and does not substitute for the provisions of that section.

<u>Proposed Object in Public Way</u>	<u>City Council Approval?</u>	<u>Permit from City Clerk?</u>	<u>Permit Fee</u>	<u>Max. Permit Duration</u>	<u>Max. Quantity of Object</u>	<u>Max. Dimensions</u>	<u>Permitted Locations</u>
<u>A-Frame Signs*</u>	<u>Not required</u>	<u>Required</u>	<u>\$100.00</u>	<u>2 Years</u>	<u>1 per public entrance to commercial buildings</u>	<u>2' W x 2' D x 4' H, and less than 4 sq. ft. total.</u>	<u>Sidewalk directly adjacent to related building</u>
<u>Merchandise Displays*</u> <u>(tables, clothing racks, or actual merchandise only)</u>	<u>Not required</u>	<u>Not required</u>	<u>N/A</u>	<u>N/A</u>	<u>1 per primary public entrance to commercial buildings</u>	<u>8' W x 4' D x 5' H. May be placed in segments, but aggregate width permitted for each primary public entrance cannot 8'.</u>	<u>Sidewalk directly adjacent to related primary public entrance, parallel to exterior wall, starting within four feet (4') of primary public entrance</u>
<u>Beautification Items (e.g. planters)</u>	<u>Not required</u>	<u>Not required</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>Sidewalk directly adjacent to a lawfully occupied commercial building</u>

* Exceptions may be granted by City Council on location, size, or moveability by written request of applicant.

All A-frame signs, merchandise displays, and beautification items placed on a public sidewalk shall preserve a travel lane along such sidewalk that is at least five (5) feet in width, and shall allow for free and unobstructed passage of pedestrians.

COMMITTEE ITEMS

BUDGET & FINANCE COMMITTEE ITEMS

- **ORDR078_09_26_16** Titcomb Street Order (with Planning & Development)
- **ODNC016_09_12_16** – Plum Island Utility Fund (with Public Utilities)

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 26, 2016

**AN ORDER RELATING TO SITE ACQUISITION FOR THE INTERMODAL
TRANSIT PARKING FACILITY**

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

1. Appraisal

- a. The City Council hereby specially appropriates the sum of up to ten-thousand dollars (\$10,000) from the Downtown Paid Parking Fund to defray the cost to obtain an updated, accurate, and complete appraisal, based upon the requirements and guidelines of the current Uniform Standards of Professional Appraisal Practice, the requirements of the Code of Professional Ethics, and the Standards of Professional Appraisal Practice of the Appraisal Institute, of the fair market value of those two certain parcels of real property commonly known as 90 Pleasant Street (Assessor's Parcel 47-34) and 81-83 Merrimac Street (Assessor's Parcel 47-38), both located in Newburyport, and together having a total area of approximately 36,610 square feet (together, the "Site").
- b. Pursuant to Section 2-249 of the Newburyport Code, the City Council hereby directs the City Solicitor to engage the firm of Colliers International to undertake such appraisal, and to cause a complete copy of such appraisal to be delivered to the City Council, care of the Office of the City Clerk, no later than 5:00 p.m. Eastern Daylight Time, on Tuesday, October 4, 2016.
- c. To protect the interests of the inhabitants of the City of Newburyport, such appraisal may be kept confidential to the extent permitted by law.

2. Title Examination

- a. Pursuant to Section 2-249 of the Newburyport Code, the City Council hereby directs the City Solicitor to prepare a title examination of the Site, including, without limitation, a complete list of all liens or encumbrances on title, and to cause a complete copy of such title examination to be delivered to the City

Council, care of the Office of the City Clerk, no later than 5:00 p.m. Eastern Daylight Time, on Tuesday, October 4, 2016.

- b. To protect the interests of the inhabitants of the City of Newburyport, such title examination may be kept confidential to the extent permitted by law.

Councillor Jared J. Eigerman

BSE / P

CITY OF NEWBURYPORT



 IN CITY COUNCIL
ORDERED:**AN ORDINANCE ESTABLISHING THE PLUM ISLAND UTILITY FUND**

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

Chapter 2 Administration
 Article VI Finance

Sec. 2-393 – Establishment of the Plum Island Utility Fund

- a) There is hereby established a trust fund known as the Plum Island Water/Sewer Utility Fund ("Plum Island Utility Fund").
- b) The Plum Island Utility Fund shall consist of the City of Newburyport's share of proceeds from the settlement agreement between the Commonwealth of Massachusetts and CDM Smith Inc.
- c) The City hereby established this Plum Island Utility Fund under the provisions of paragraph 2 of section III of the CDM Smith Inc. Settlement Agreement. Accordingly, the Plum Island Utility Fund shall be ONLY be used to pay costs and expenses arising from or related to the Plum Island Water/Sewer Utility Project ("Project"), including but not limited to the repair, modification, improvements, or optimization of the Project, and reimbursement of the City of Newburyport's insurers, including the MIIA Property & Casualty Group, Inc. ("MIIA") on terms arranged by the City of Newburyport.
- d) Appropriations from this fund shall be made at the recommendation of the Mayor with the approval of a two-thirds vote of the City Council.
- e) This section is adopted pursuant to section 5B, chapter 40 of Massachusetts General Law.

Submitted:

Councillor Charles F. Tontar
 Chair, Budget & Finance Committee

PUBLIC SAFETY COMMITTEE ITEMS

- **ORDR067_08_29_16** Hillside Ave, Cottage Ct – Resident Parking
- **ORDR071_08_29_16** Blind Person Sign
- **COMM090_09_26_16** American Cancer Society - Tent in Market Square



CITY OF NEWBURYPORT

CITY COUNCIL

60 PLEASANT STREET -- P.O. BOX 550
NEWBURYPORT, MASSACHUSETTS 01950
978 465 4407

IN CITY COUNCIL:

ORDERED:

Date: August 22, 2016

THAT the CITY COUNCIL of the CITY OF NEWBURYPORT amends the established list of parking restrictions per the Newburyport City Council to include:

Sec. 13-180. - Resident parking.

Preamble. Resident parking zones may be established: (1) where a bona fide hardship exists caused by unique or special conditions; and/or (2) where the city has imposed one- or two- or four- hour parking limits on residential streets bordering commercial zones; and/or (3) where the residents of these residential districts suffer from unreasonable burdens in gaining access to their residences.

ADD Resident Parking only:

Hillside Av
Cottage Court

Submitted,

Councillor Robert J. Cronin, Public Safety Chair

Refer PS
RC
JV

August 24, 2016

AN ORDINANCE TO AMEND CHAPTER 13 (TRAFFIC AND MOTOR VEHICLES) OF THE MUNICIPAL CODE

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

- Chapter 13 Traffic and Motor Vehicles
- Article 4 Specific Street Schedules
- Division 4 Stop and Yield Intersections, Slow Signs
- Section 13-139 Signs

Insert the following new row into the table regarding Lafayette Street, as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

<u>Lafayette</u>	<u>A blind person sign on the northerly and southerly sides of the street</u>
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Councillor Charles F. Tontar



ENVISION

DIGITAL

Kham Inthirath

President and Founder of Envision Digital Group

20 Franklin Street, Suite 100
Worcester, MA 01608
508-713-0131
info@envisiondigitalgroup.com

September 15, 2016

Newburyport City Council
60 Pleasant Street
Newburyport, MA 01950

Dear President and Members of the City Council,

This year I have been selected as one of the representatives in the American Cancer Society's "Real Men Wear Pink" campaign. This is the first time Massachusetts has been selected to participate in the Real Men Wear Pink campaign, and we're trying to make sure that Massachusetts sets the pace nationally for this effort. Together, my business and I will be working to raise money for this campaign throughout September and October. We are very honored and excited to be a part of this cause, and were hoping that you would be willing to assist us in making it a huge success.

We are planning to set up a tent and table where participants would pay to play a carnival game. Winners would be entered into a raffle to win a prize and all proceeds would go directly to the American Cancer Society. The tent and table would be set up in Newburyport Market Square on October 14 from 4-7:30.

We hope you consider our proposal and help us to make a difference for those everywhere whom cancer has affected. A local effort in your city will help to make the Real Men Wear Pink cause a success nationwide.

Sincerely yours,

Kham Inthirath

PLANNING & DEVELOPMENT COMMITTEE ITEMS

- ORDR055_06_27_16 Order re: Surplus Property - WWTP
- ODNC014_08_08_16 Zoning Amend Sidewalks/Trees Sec XI-Ketal

CITY OF NEWBURYPORT



IN CITY COUNCIL

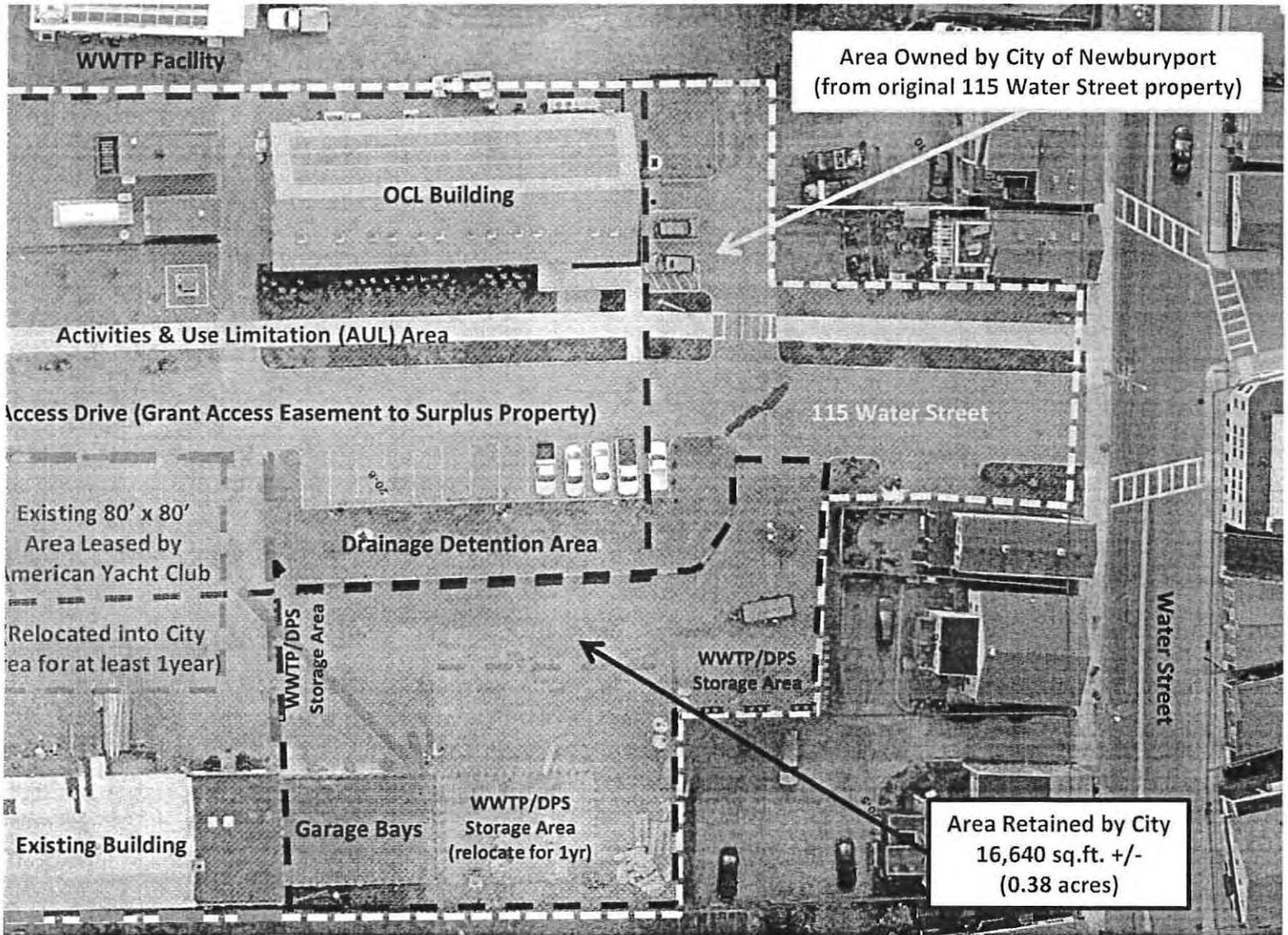
ORDERED:

Date: June 27, 2016

THAT pursuant to General Laws Chapter 40, Sections 15 and 15A the City Council of the City of Newburyport hereby designate the remaining 115 Water Street property (*originally taken by the City for the Wastewater Treatment Plant upgrade project*) as surplus property, no longer needed by the City, and further (*consistent with the June 20, 2016 vote of the Water and Sewer Commission*) that the Council hereby transfers the care, custody, management and control of said property, including any structures thereon, to the Mayor for the purposes of further conveyance, on such terms and conditions, and for such consideration, as the Mayor deems appropriate, provided that as a condition of the sale or lease of said property the City shall retain rights to such indoor and outdoor storage space as indicated on the attached diagram for continued use by the Department of Public Services and its Sewer Division, and further that any proceeds from sale or lease of the subject property shall be used to reduce the balance of any outstanding debt owed by the City associated with the aforementioned Wastewater Treatment Plant upgrade project.

Councilor Edward Cameron

115 Water Street – Lease Area



- Garage Bays to be retained by City.
- Access to Water Street will be granted to the Lessee along the existing shared access drive.
- Storage area equivalent to garage bays in size (sq.ft.) to be retained by City. (Per Water Commission)
- Relocated: To be relocated into Area Retained by City for at least 1 year. May then be removed or relocated by City. (Mayor's discretion)
- Lease Area: Lease will allow parking and vehicular access in the AUL Area. All other uses in this area subject to approval by the City.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

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

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

Zoning Ordinance Amendment:

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

Strike Section II-B.46a entirely

Replace existing Section X-H.6.Q., within "Variances" with the following:

Q. In all cases where the board grants a variance from the strict application of the requirements of this chapter, the board shall also adhere to Section XI-K regarding sidewalks and trees.

Replace existing Section X-H.7.B.10, within "Special permit conditions," with the following:

(10) The board shall also adhere to Section XI-K regarding sidewalks and trees.

Replace existing Section XV-H.a.6, with the following:

6. Sidewalks, crosswalks, walkways, bike racks, or other pedestrian access may be required to allow access to adjacent properties and between individual businesses within a development. The board shall also adhere to Section XI-K regarding sidewalks and trees.

Add the following new Section:

XI-K Provision for Sidewalks and Trees

In all cases where a Variance, Special Permit or Site Plan Approval is granted for a project the board shall consider and may require the applicant to install, repair and/or replace City-owned sidewalks adjoining the site in accordance with the Newburyport Code of Ordinances, Section 12-54, entitled "Sidewalk materials" and any design specification promulgated by the Department of Public Services thereunder. In addition, the board shall consider and may require street trees to be planted, preserved and/or replaced along all public rights-of-way adjoining the site. Street tree requirements may be based upon the recommendations from the City's Tree Warden,

Replace existing Section XV-L.f, with the following:

No building permit shall be issued unless the applicant certifies on the application therefor that "All related construction and utilities installation for this project has been reviewed and approved by the respective City departments and will be completed in accordance with approved plans."

Replace the title of Section X-D., entitled "Permits," with the words "Building Permits and Certificates of Occupancy" and add the following new provision at the end of said Section:

No Certificate of Occupancy shall be issued unless the application or request therefor has first been signed or approved by both the Office of Planning and Development and Department of Public Services as certification that the proposed project as constructed complies with any Special Permits, Variances or Site Plan Approvals applicable to the project, and that all utilities, sidewalks and tree plantings have been installed in accordance with applicable requirements.

Councillor Giunta

PUBLIC UTILITIES COMMITTEE ITEMS

ODNC016_09_12_16 Plum Island Utility Fund

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

AN ORDINANCE ESTABLISHING THE PLUM ISLAND UTILITY FUND

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

Chapter 2 Administration
Article VI Finance

Sec. 2-393 – Establishment of the Plum Island Utility Fund

- a) There is hereby established a trust fund known as the Plum Island Water/Sewer Utility Fund ("Plum Island Utility Fund").
- b) The Plum Island Utility Fund shall consist of the City of Newburyport's share of proceeds from the settlement agreement between the Commonwealth of Massachusetts and CDM Smith Inc.
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- d) Appropriations from this fund shall be made at the recommendation of the Mayor with the approval of a two-thirds vote of the City Council.
- e) This section is adopted pursuant to section 5B, chapter 40 of Massachusetts General Law.

Submitted:

Councillor Charles F. Tontar
Chair, Budget & Finance Committee