

**PUBLIC HEARING  
APPLICATION AND NOTICE**

Questions contact – Lien Gauthier, 617.438.9069  
44 River St, Beverly, Massachusetts 01915

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

**PETITION FOR ELECTRICAL BOX LOCATION**

2014 AUG 13 A 11: 50

To City Council  
Of Newburyport, MA

NATIONAL GRID requests permission to locate above ground electrical box, including the necessary sustaining and protecting fixtures, along and across the following public way:

Street name - Washington St & Kent St

Location approximately as shown on plan attached

Concrete base of electrical box: 3'4"x 2'8 1/4"x6" (above ground), 12" (below ground)

Electrical box: 36"x50"x17"

(also known as SCADA box on design)

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Washington St & Kent St, Newburyport, MA

No.# August 11, 2014

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID  
BY Lien Gauthier  
Construction Supervisor

Lien Gauthier  
617-438-9069

Questions contact –Lien Gauthier, 617.438.9069

**ORDER FOR ELECTRICAL BOX LOCATION**

In the City of Newburyport, Massachusetts

Notice having been given and public hearing held, as provided by law,  
IT IS HEREBY ORDERED:

that NATIONAL GRID and be and it is hereby granted a location for and permission to erect and maintain electrical box to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the #th day of month, year.

All construction under this order shall be in accordance with the following conditions:

No.# Dated: August 11, 2014. Filed with this order

There may be attached to said poles such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the electrical box above referred to may be erected thereon under this order:

**Street Name - Washington St & Kent St**

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City/Town of Newburyport, Massachusetts held on the                      day of                      20                      .

City/Town Clerk.  
Massachusetts

20                      .

Received and entered in the records of location orders of the City/Town of Newburyport  
Book    Page

Attest:  
City/Town Clerk

I hereby certify that on    20                      , at    o'clock, M  
at    a public hearing was held on the petition of

NATIONAL GRID

for permission to erect the electrical box described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

.....  
.....  
City Council of Newburyport, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of hearing with notice adopted by the \_\_\_\_\_ of the City of Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and recorded with the records of location orders of the said City, Book \_\_\_\_\_, Page \_\_\_\_\_. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:  
City/Town Clerk

NO.	DESCRIPTION	DATE	BY	CHK.	APP.
1	ISSUED FOR PERMITS				
2	ISSUED FOR CONSTRUCTION				
3	ISSUED FOR AS-BUILT				
4	ISSUED FOR RECORD				
5	ISSUED FOR ARCHIVE				

NO.	DESCRIPTION	DATE	BY	CHK.	APP.
1	ISSUED FOR PERMITS				
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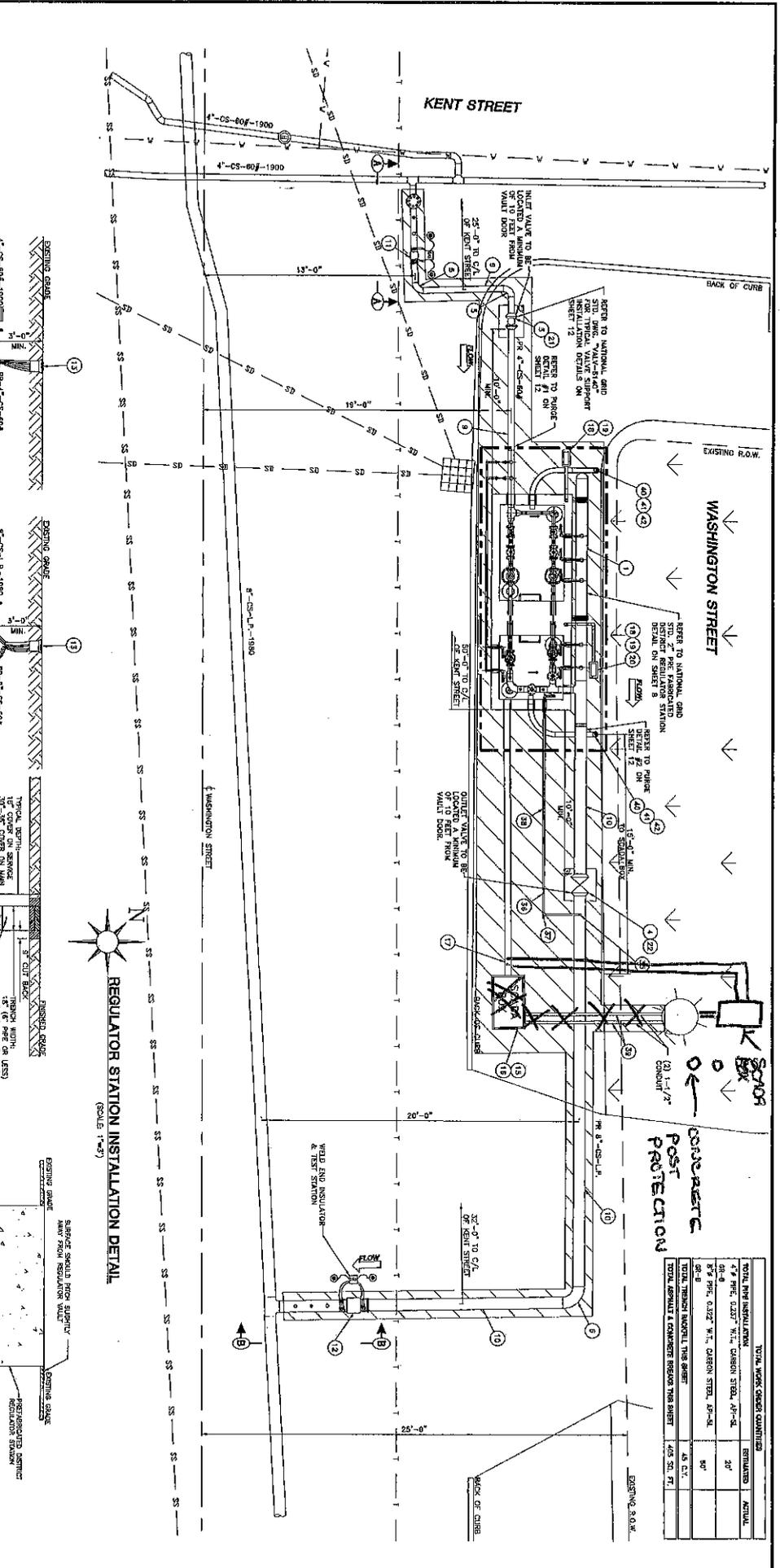
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**ELEVATION 'A-A'**  
(SCALE 1"=3')

**ELEVATION 'B-B'**  
(SCALE 1"=3')

**TRENCH DETAIL**  
(SCALE 1"=3')

**PROFILE OF COMPACTED SUB-BASE CONSTRUCTION**  
(SCALE N.T.S.)

**REGULATOR STATION INSTALLATION DETAIL**  
(SCALE 1"=3')

TOTAL WORK QUANTITIES			
ITEM	ESTIMATED	ACTUAL	REMARKS
TOTAL PIPE INSTALLATION			
4" PE, 30' W.L., CASTON STEEL, 40'-0"	20'		
8" PE, 0.327" W.L., CASTON STEEL, 40'-0"	40'		
TOTAL TRENCH BACKFILL THIS SHEET	60.00		
TOTAL SPALLS & CONCRETE BEHIND THIS SHEET	400.00		

**nationalgrid**

2" PREFABRICATED DISTRICT REGULATOR STATION  
REGULATOR STATION INSTALLATION DETAIL  
KENT STREET & WASHINGTON STREET  
NEWBURYPORT, MA

APPROVED FOR CONSTRUCTION

DATE: 11/11/11

SCALE: 1"=3'

SHEET 7 OF 12

ISSUING NO. R-NEW-900001386339



**Engineering**  
200 State Street, Suite 400  
Newburyport, MA 01950  
TEL: 978-335-1234  
WWW.NATIONALGRID.COM

PROJECT NO. 11-11-11  
DRAWING NO. 11-11-11

APPROVED FOR CONSTRUCTION  
DATE: 11/11/11

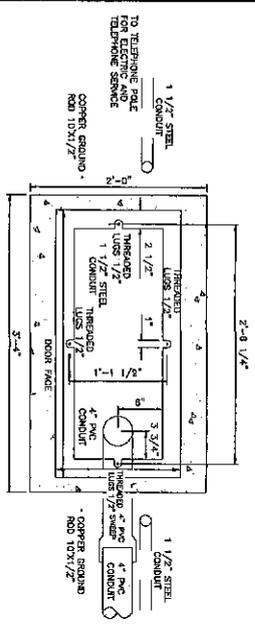
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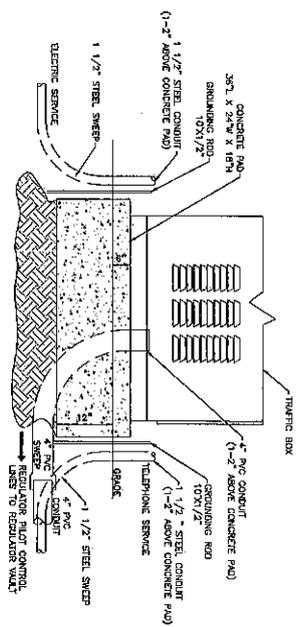
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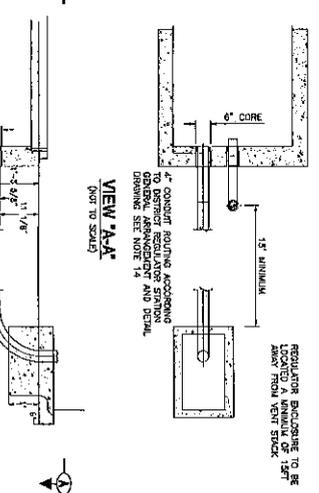
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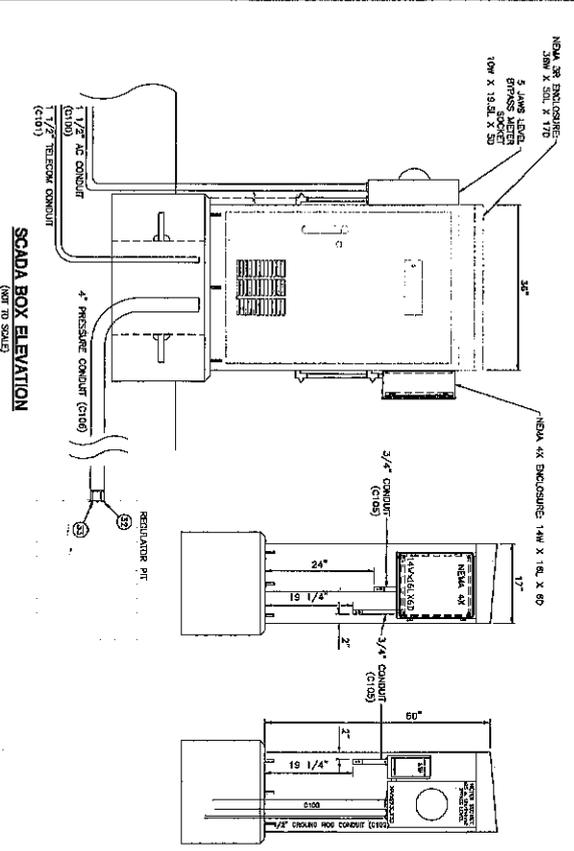
**PAD MOUNTING PATTERN**  
(SCALE 1/2" = 1'-0")



**REGULATOR CONTROL ENCLOSURE SWEEP DETAIL**  
(NOT TO SCALE)



**ELEVATION VIEW OF CONCRETE PAD ELEVATION**  
**REGULATOR ENCLOSURE**  
**IN REFERENCE TO PREFAB VAULT**  
(NOT TO SCALE)



**SCADA BOX ELEVATION**  
(NOT TO SCALE)

NO.	DESCRIPTION	QTY	UNIT	REMARKS
1	1-1/2" STEEL CONDUIT (100') (C-100)	100	LINEAL FEET	
2	1-1/2" TELEPORT CONDUIT (C-100)	100	LINEAL FEET	
3	4" PRESSURE CONDUIT (C-100)	100	LINEAL FEET	
4	REGULATOR PIT	1	SQ. FT.	
5	3/4" CONDUIT (C-100)	100	LINEAL FEET	
6	1-1/2" STEEL CONDUIT (100') (C-100)	100	LINEAL FEET	
7	1-1/2" TELEPORT CONDUIT (C-100)	100	LINEAL FEET	
8	4" PRESSURE CONDUIT (C-100)	100	LINEAL FEET	
9	REGULATOR PIT	1	SQ. FT.	
10	3/4" CONDUIT (C-100)	100	LINEAL FEET	
11	1-1/2" STEEL CONDUIT (100') (C-100)	100	LINEAL FEET	
12	1-1/2" TELEPORT CONDUIT (C-100)	100	LINEAL FEET	
13	4" PRESSURE CONDUIT (C-100)	100	LINEAL FEET	
14	REGULATOR PIT	1	SQ. FT.	
15	3/4" CONDUIT (C-100)	100	LINEAL FEET	
16	1-1/2" STEEL CONDUIT (100') (C-100)	100	LINEAL FEET	
17	1-1/2" TELEPORT CONDUIT (C-100)	100	LINEAL FEET	
18	4" PRESSURE CONDUIT (C-100)	100	LINEAL FEET	
19	REGULATOR PIT	1	SQ. FT.	
20	3/4" CONDUIT (C-100)	100	LINEAL FEET	
21	1-1/2" STEEL CONDUIT (100') (C-100)	100	LINEAL FEET	
22	1-1/2" TELEPORT CONDUIT (C-100)	100	LINEAL FEET	
23	4" PRESSURE CONDUIT (C-100)	100	LINEAL FEET	
24	REGULATOR PIT	1	SQ. FT.	
25	3/4" CONDUIT (C-100)	100	LINEAL FEET	
26	1-1/2" STEEL CONDUIT (100') (C-100)	100	LINEAL FEET	
27	1-1/2" TELEPORT CONDUIT (C-100)	100	LINEAL FEET	
28	4" PRESSURE CONDUIT (C-100)	100	LINEAL FEET	
29	REGULATOR PIT	1	SQ. FT.	
30	3/4" CONDUIT (C-100)	100	LINEAL FEET	
31	1-1/2" STEEL CONDUIT (100') (C-100)	100	LINEAL FEET	
32	1-1/2" TELEPORT CONDUIT (C-100)	100	LINEAL FEET	
33	4" PRESSURE CONDUIT (C-100)	100	LINEAL FEET	
34	REGULATOR PIT	1	SQ. FT.	
35	3/4" CONDUIT (C-100)	100	LINEAL FEET	
36	1-1/2" STEEL CONDUIT (100') (C-100)	100	LINEAL FEET	
37	1-1/2" TELEPORT CONDUIT (C-100)	100	LINEAL FEET	
38	4" PRESSURE CONDUIT (C-100)	100	LINEAL FEET	
39	REGULATOR PIT	1	SQ. FT.	
40	3/4" CONDUIT (C-100)	100	LINEAL FEET	
41	1-1/2" STEEL CONDUIT (100') (C-100)	100	LINEAL FEET	
42	1-1/2" TELEPORT CONDUIT (C-100)	100	LINEAL FEET	
43	4" PRESSURE CONDUIT (C-100)	100	LINEAL FEET	
44	REGULATOR PIT	1	SQ. FT.	
45	3/4" CONDUIT (C-100)	100	LINEAL FEET	
46	1-1/2" STEEL CONDUIT (100') (C-100)	100	LINEAL FEET	
47	1-1/2" TELEPORT CONDUIT (C-100)	100	LINEAL FEET	
48	4" PRESSURE CONDUIT (C-100)	100	LINEAL FEET	
49	REGULATOR PIT	1	SQ. FT.	
50	3/4" CONDUIT (C-100)	100	LINEAL FEET	



DATE: 4-10-14  
DRAWN BY: b-10-14

**Engineering**  
2810 WOOD PARKWAY, STE 400  
WILMINGTON, MA 01897  
TEL: 508-653-4000  
WWW.ENRINCORPORATED.COM

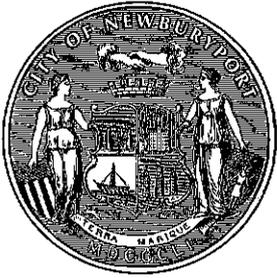
NO.	DESCRIPTION	DATE	BY	CHK	APP
1	DESIGN	04/27/14	MM	MM	MM
2	APPROVED FOR CONSTRUCTION	04/27/14	MM	MM	MM
3	CONSTRUCTION	04/27/14	MM	MM	MM

**national grid**  
42 STATE ROAD  
NEWBURYPORT, MASSACHUSETTS 02661

**2" PREFABRICATED DISTRICT REGULATOR STATION**  
**SCADA BOX DETAILS & SCHEDULE OF MATERIALS**  
KENT STREET & WASHINGTON STREET  
NEWBURYPORT, MA

SHEET 10 OF 12  
DATE: R-NEW-90000136639

**APPROVED FOR CONSTRUCTION**



CITY OF NEWBURYPORT

MASSACHUSETTS

CITY CLERK'S OFFICE

NEWBURYPORT CITY HALL

60 PLEASANT STREET • P.O. BOX 550

NEWBURYPORT, MA 01950

TEL: 978-465-4407 • FAX: 978-462-7936

RICHARD B. JONES  
CITY CLERK

Aug. 13, 2014

Dear Property Owner:

Notice is hereby given that a Public Hearing will be held on the petition of National Grid to install a concrete base Electrical box:3'4"x2'8 1/4"x6" (above ground), 12" (below ground) electrical box:36"x50"x17" at Washington St. & Kent Street.

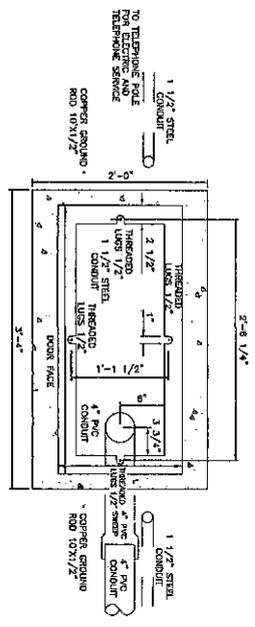
Said meeting will be held on Monday, August 25, 2014 at 7:30 PM in the City Council Chamber, City Hall, 60 Pleasant St., Newburyport, MA. At that time, all interested parties will have an opportunity to be heard.

A copy of the plan is enclosed.

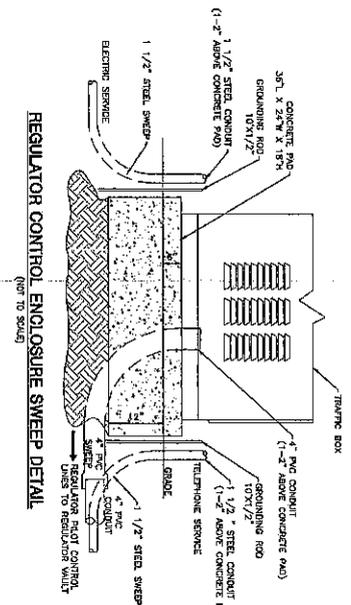
Sincerely,

Tricia E. Barker  
Assistant City Clerk

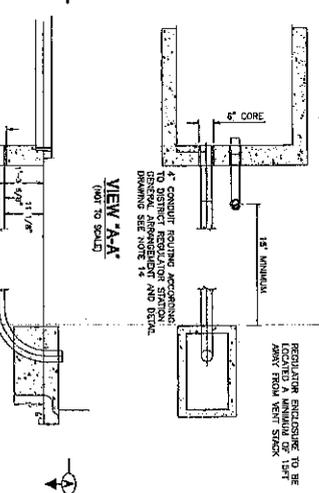




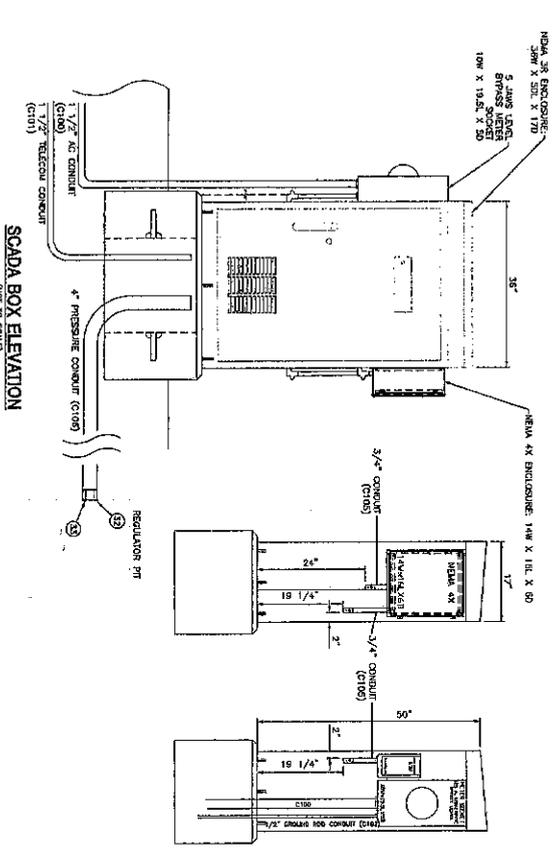
PAD MOUNTING PATTERN  
(SCALE 1/2\"/>



REGULATOR CONTROL ENCLOSURE SWEEP DETAIL  
(NOT TO SCALE)



ELEVATION VIEW OF  
REGULATOR ENCLOSURE  
CONCRETE PAD ELEVATION  
IN REFERENCE TO PREPAB WALL  
(NOT TO SCALE)



SCADA BOX ELEVATION  
(NOT TO SCALE)

NO.	DESCRIPTION	QTY	UNIT	REMARKS
1	1/2" STEEL CONDUIT	100	FT	
2	3/4" STEEL CONDUIT	50	FT	
3	4" PRC CONDUIT	10	FT	
4	1/2" ABOVE CONCRETE PAD	100	FT	
5	1/2" STEEL SWEEP	100	FT	
6	3/4" X 2 1/2" X 1/8" GROUNDING ROD	10	FT	
7	1/2" STEEL CONDUIT	10	FT	
8	1/2" ABOVE CONCRETE PAD	10	FT	
9	1/2" STEEL SWEEP	10	FT	
10	3/4" X 2 1/2" X 1/8" GROUNDING ROD	10	FT	
11	1/2" STEEL CONDUIT	10	FT	
12	1/2" ABOVE CONCRETE PAD	10	FT	
13	1/2" STEEL SWEEP	10	FT	
14	3/4" X 2 1/2" X 1/8" GROUNDING ROD	10	FT	
15	1/2" STEEL CONDUIT	10	FT	
16	1/2" ABOVE CONCRETE PAD	10	FT	
17	1/2" STEEL SWEEP	10	FT	
18	3/4" X 2 1/2" X 1/8" GROUNDING ROD	10	FT	
19	1/2" STEEL CONDUIT	10	FT	
20	1/2" ABOVE CONCRETE PAD	10	FT	
21	1/2" STEEL SWEEP	10	FT	
22	3/4" X 2 1/2" X 1/8" GROUNDING ROD	10	FT	
23	1/2" STEEL CONDUIT	10	FT	
24	1/2" ABOVE CONCRETE PAD	10	FT	
25	1/2" STEEL SWEEP	10	FT	
26	3/4" X 2 1/2" X 1/8" GROUNDING ROD	10	FT	
27	1/2" STEEL CONDUIT	10	FT	
28	1/2" ABOVE CONCRETE PAD	10	FT	
29	1/2" STEEL SWEEP	10	FT	
30	3/4" X 2 1/2" X 1/8" GROUNDING ROD	10	FT	
31	1/2" STEEL CONDUIT	10	FT	
32	1/2" ABOVE CONCRETE PAD	10	FT	
33	1/2" STEEL SWEEP	10	FT	
34	3/4" X 2 1/2" X 1/8" GROUNDING ROD	10	FT	
35	1/2" STEEL CONDUIT	10	FT	
36	1/2" ABOVE CONCRETE PAD	10	FT	
37	1/2" STEEL SWEEP	10	FT	
38	3/4" X 2 1/2" X 1/8" GROUNDING ROD	10	FT	
39	1/2" STEEL CONDUIT	10	FT	
40	1/2" ABOVE CONCRETE PAD	10	FT	
41	1/2" STEEL SWEEP	10	FT	
42	3/4" X 2 1/2" X 1/8" GROUNDING ROD	10	FT	
43	1/2" STEEL CONDUIT	10	FT	
44	1/2" ABOVE CONCRETE PAD	10	FT	
45	1/2" STEEL SWEEP	10	FT	
46	3/4" X 2 1/2" X 1/8" GROUNDING ROD	10	FT	
47	1/2" STEEL CONDUIT	10	FT	
48	1/2" ABOVE CONCRETE PAD	10	FT	
49	1/2" STEEL SWEEP	10	FT	
50	3/4" X 2 1/2" X 1/8" GROUNDING ROD	10	FT	



DATE: 4-10-14  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 APPROVED BY: [Signature]  
 PROJECT NO: 2010 0001 38639  
 NATIONAL GRID  
 40 Street Road  
 WILMINGTON, MASSACHUSETTS 02615

NO.	DESCRIPTION	QTY	UNIT	REMARKS
1	1/2" STEEL CONDUIT	100	FT	
2	3/4" STEEL CONDUIT	50	FT	
3	4" PRC CONDUIT	10	FT	
4	1/2" ABOVE CONCRETE PAD	100	FT	
5	1/2" STEEL SWEEP	100	FT	
6	3/4" X 2 1/2" X 1/8" GROUNDING ROD	10	FT	
7	1/2" STEEL CONDUIT	10	FT	
8	1/2" ABOVE CONCRETE PAD	10	FT	
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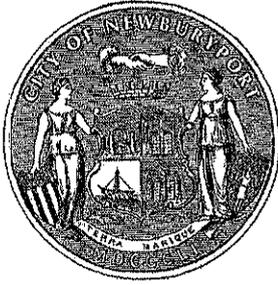
DATE: 4-10-14  
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 APPROVED BY: [Signature]  
 PROJECT NO: 2010 0001 38639  
 NATIONAL GRID  
 40 Street Road  
 WILMINGTON, MASSACHUSETTS 02615

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 WILMINGTON, MASSACHUSETTS 02615

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 APPROVED BY: [Signature]  
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 NATIONAL GRID  
 40 Street Road  
 WILMINGTON, MASSACHUSETTS 02615

APPROVED FOR  
CONSTRUCTION

DATE: 4-10-14  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 APPROVED BY: [Signature]  
 PROJECT NO: 2010 0001 38639  
 NATIONAL GRID  
 40 Street Road  
 WILMINGTON, MASSACHUSETTS 02615



# City of Newburyport

## OFFICE OF THE ASSESSOR

City Hall  
60 Pleasant Street  
Newburyport, MA 01950  
978-465-4413 / Fx 978-462-8495

**Date:** August 13, 2014

**To:** Richard Jones, City Clerk

**From:** Newburyport Board of Assessors

**Re:** Kent Street & Washington Street

To be granted a location for and permission to erect & maintain poles & wires, together with such sustaining & protecting fixtures as it may find necessary.

Also for permission to lay & maintain underground laterals, cables & wires in the above or intersecting public ways for the purpose of making connections with such poles & buildings as each of said petitioners may desire for distributing purposes.

---

**The following are the abutters of the above described location:**

Board of Assessors

BY CERTIFYING THAT THE PERSONS LISTED IN THE FOREGOING LIST OF ABUTTERS ARE THE OWNERS OF RECORD OF THE FOREGOING PROPERTIES AS OF JANUARY 1<sup>ST</sup>, 2014. THE CITY ASSESSOR IS NOT CERTIFYING THAT THE PERSONS SO LISTED ARE THE PERSONS WHO ARE REQUIRED TO RECEIVE NOTIFICATION UNDER APPLICABLE LAW.

51/ 36/ / /  
ANDREWS LLC  
61 WASHINGTON ST  
NEWBURYPORT, MA 01950

51/ 37/ / /  
BOSTICK H DAVID TRUSTEE  
WASHINGTON ST REALTY TRUST  
65 WASHINGTON ST  
NEWBURYPORT, MA 01950

51/ 38/ / /  
HURLIN NICHOLAS E TRUSTEE  
MAPLE TREE TRUST  
PO BOX 11  
NEWBURYPORT, MA 01950

51/ 39/ / /  
DAMBROSIO PETER  
MARY ELLEN T/E  
71 WASHINGTON ST  
NEWBURYPORT, MA 01950

51/ 40/ / /  
SEABROOK JILL L  
RICHARD W ENGLAND T/E  
73 WASHINGTON ST  
NEWBURYPORT, MA 01950

51/ 42/ / /  
CITY OF NEWBURYPORT  
CUSHING PARK  
BUCK/CONGRESS/WASHINGTON/KENT  
NEWBURYPORT, MA 01950

51/ 37A/ / /  
GAVIN JOHN H & PATRICIA M TRS  
GAVIN FAMILY REVOCABLE TRUST  
67 WASHINGTON ST  
NEWBURYPORT, MA 01950

Questions contact – Lien Gauthier, 617.438.9069  
44 River St, Beverly, Massachusetts 01915

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

**PETITION FOR ELECTRICAL BOX LOCATION**

To City Council  
Of Newburyport, MA

NATIONAL GRID requests permission to locate above ground electrical box, including the necessary sustaining and protecting fixtures, along and across the following public way:

Street name - 13 Pond St

Location approximately as shown on plan attached

Concrete base of electrical box: 3'4"x 2'8 1/4"x6" (above ground), 12" (below ground)

Electrical box: 36"x50"x17"

(also known as SCADA box on design)

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – 13 Pond St, Newburyport, MA

No.# August 11, 2014

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID  
BY Lien Gauthier  
Construction Supervisor

Lien Gauthier  
617-438-9069

Questions contact –Lien Gauthier, 617.438.9069

**ORDER FOR ELECTRICAL BOX LOCATION**

In the City of Newburyport, Massachusetts

Notice having been given and public hearing held, as provided by law,  
IT IS HEREBY ORDERED:

that NATIONAL GRID and be and it is hereby granted a location for and permission to erect and maintain electrical box to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the #th day of month, year.

All construction under this order shall be in accordance with the following conditions:

No.# Dated: August 11, 2014. Filed with this order

There may be attached to said poles such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the electrical box above referred to may be erected thereon under this order:

**Street Name - 13 Pond St**

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City/Town of Newburyport, Massachusetts held on the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ .

City/Town Clerk,  
Massachusetts

20\_\_ .

Received and entered in the records of location orders of the City/Town of Newburyport  
Book \_\_\_\_\_ Page \_\_\_\_\_

Attest:  
City/Town Clerk

I hereby certify that on \_\_\_\_\_ 20\_\_ , at \_\_\_\_\_ o'clock, M  
at \_\_\_\_\_ a public hearing was held on the petition of

NATIONAL GRID

for permission to erect the electrical box described in the order herewith recorded, and that we mailed at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to erect poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

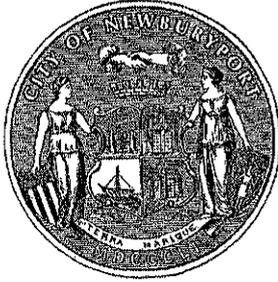
.....  
.....  
City Council of Newburyport, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of hearing with notice adopted by the \_\_\_\_\_ of the City of Massachusetts, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and recorded with the records of location orders of the said City, Book \_\_\_\_\_, Page \_\_\_\_\_. This certified copy is made under the provisions of Chapter 166 of General Laws and any additions thereto or amendments thereof.

Attest:  
City/Town Clerk





# City of Newburyport OFFICE OF THE ASSESSOR

City Hall  
60 Pleasant Street  
Newburyport, MA 01950  
978-465-4413 / Fx 978-462-8495

**Date:** August 13, 2014

**To:** Richard Jones, City Clerk

**From:** Newburyport Board of Assessors

**Re:** 13 Pond Street – Map: 35 Lot: 64

To be granted a location for and permission to erect & maintain poles & wires, together with such sustaining & protecting fixtures as it may find necessary.

Also for permission to lay & maintain underground laterals, cables & wires in the above or intersecting public ways for the purpose of making connections with such poles & buildings as each of said petitioners may desire for distributing purposes.

---

**The following are the abutters of the above described location:**

A handwritten signature in black ink, appearing to read "Daniel Pagan".

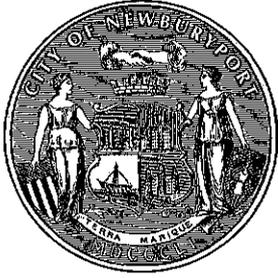
**Board of Assessors**

BY CERTIFYING THAT THE PERSONS LISTED IN THE FOREGOING LIST OF ABUTTERS ARE THE OWNERS OF RECORD OF THE FOREGOING PROPERTIES AS OF JANUARY 1<sup>ST</sup>, 2014. THE CITY ASSESSOR IS NOT CERTIFYING THAT THE PERSONS SO LISTED ARE THE PERSONS WHO ARE REQUIRED TO RECEIVE NOTIFICATION UNDER APPLICABLE LAW.

35/ 39/ / /  
NEWBURYPORT MANAGER LLC TRS  
13.5 POND ST NOMINEE TRUST  
C/O NEW ENGLAND DEVELOPMENT  
ONE WELLS AVE  
NEWTON, MA 02459

35/ 63/ / /  
SPENCER KEVIN C  
SPENCER DIANE R T/E  
11 POND ST  
NEWBURYPORT, MA 01950

35/ 64/ / /  
DAVIS KEVIN C  
LEAH  
13 POND ST  
NEWBURYPORT, MA 01950



CITY OF NEWBURYPORT  
MASSACHUSETTS  
CITY CLERK'S OFFICE  
NEWBURYPORT CITY HALL  
60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
TEL: 978-465-4407 • FAX: 978-462-7936

RICHARD B. JONES  
CITY CLERK

Aug. 13, 2014

Dear Property Owner:

Notice is hereby given that a Public Hearing will be held on the petition of National Grid to install a concrete base Electrical box:3'4"x2'8 1/4"x6" (above ground), 12" (below ground) electrical box:36"x50"x17" at 13 Pond Street.

Said meeting will be held on Monday, August 25, 2014 at 7:30 PM in the City Council Chamber, City Hall, 60 Pleasant St., Newburyport, MA. At that time, all interested parties will have an opportunity to be heard.

A copy of the plan is enclosed.

Sincerely,

Tricia E. Barker  
Assistant City Clerk

**CITY COUNCIL MEETING AGENDA - VERSION 1**

**August 25, 2014**

**Electrical Box Hearings**

**7:15 PM**

- (1) Washington & Kent Streets (Nat. Grid)**
- (2) 13 Pond Street (Nat. Grid)**

**7:30 PM**

(Sound Check)

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

**CONSENT AGENDA**

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

**7. APPROVAL OF MINUTES**

August 11, 2014

(Approve)

**8. TRANSFERS**

- 1. none

**9. COMMUNICATIONS**

- 1. Block Party Payson Street, 9/30/2014
- 2. Ltr to Governor Patrick from Council re: Crow Lane/ Environmental Bonds monies
- 3. Firefighters Local 827 FY2014 Successor Collective Bargaining Agreement
- 4. Ltr to BOH from City Council on banning synthetic marijuana products

(Approve)  
(R&F)  
(B&F)  
(R&F)

**10. APPOINTMENTS-First Reading - None**

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**11. APPOINTMENTS Second Reading**

		<b>Appointment</b>		
1.	Sheila A. Mullins	7 Parsons Street	Trust Fund Commission	August 1, 2017
2.	Douglas Locy	17 Alberta Avenue	Planning Board	August 1, 2019
3.	Steven D. Hines	54 Ferry Road	Waterfront Trust Commission	August 1, 2019
		<b>Re-Appointment</b>		
4.	Richard J. O'Brien	41 Olive Street	Trust Fund Commission	April 1, 2017
5.	Stephen Dodge	57 Milk Street	Historical Commission	August 1, 2017

**12. COMMUNICATIONS**

- 5. LATE FILE Mayor's Update

**13. ORDERS**

- 1. Car Free Day Resolution
- 2. Supplemental Budget FY 2015 #1

#### 14. ORDINANCES

1. Second Reading Amend ORD Zoning Section XXVIII, Demolition control overlay district
2. Second Reading Amend Zoning ORD Medical Marijuana Treatment Center
3. Ch 13, Sec 13-168 Parking Franklin St, Delete

#### 15. COMMITTEE ITEMS

##### Budget & Finance

###### *In Committee:*

1. Mayor letter regarding Order for Revolving Fund Expenses \*03/17/2014
2. Order Amend Revolving Fund expenses \*03/17/2014
3. Order Home Rule Petition- supplementing education budget (COTW) \*05/12/2014
4. Amend ORD Ch. 2 Section 2-45 City Council Salary \*05/12/2014
5. Amend ORD Ch. 2 Section 2-61A School Committee Salary \*05/12/2014
6. Human Resources Dependent Audit \*06/30/2014

##### General Government

###### *In Committee:*

1. Mayor's Update \*06/09/2014

##### Joint Education

###### *In Committee:*

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

##### License & Permits

###### *In Committee:*

1. Movable Sign Application Newburyport Brewing Company \*02/10/2014
2. Amend Ch.6.5, Article III Plastic Bags (NCS & COTW) \*03/17/2014
3. Amend ORD Sec. 9-114 Transient Vendors Restricted Areas \*04/28/2014
4. Letter regarding transient vendor licensing \*06/30/2014
5. Conor McManamy request to sell reusable bags in Market Square \*08/11/2014
6. Yankee Clipper Boy Scouts Pack 21 Popcorn Fundraiser Market Square Oct. 4, 8, Nov. 1, 2014 \*08/11/2014

##### Neighborhoods and City Services

###### *In Committee*

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

##### Planning & Development

###### *In Committee:*

1. Letter from Newburyport Preservation Trust \*03/31/2014
2. Abandon portion of Russell Terrace Ext. \*08/11/2014
3. Accept grant of drainage easements from Springwell Investments, LLC \*08/11/2014
4. Accept deed from Springwell Investments, LLC for fee \*08/11/2014
5. Order of Layout Morin Road and Richardson's Path \*08/11/2014

##### Public Safety

###### *In Committee:*

1. 4<sup>th</sup> annual 5k run/walk for Ovarian Cancer Sept. 28, 2014 \*06/30/2014
2. Green Stride ½ Marathon October 26, 2014 \*06/30/2014
3. River Run ½ Marathon and 5k, May 31, 2015 \*06/30/2014
4. 2<sup>nd</sup> Annual Pumpkin Patch request Jeanne Geiger Crisis Center \*07/14/2014
5. Neurofibromatosis Northeast Coast to the Cure bike Ride Sept. 6, 2014 \*08/11/2014
6. Amend ORD Sec 13-168 Parking restricted Olive Street \*08/11/2014
7. Intermunicipal Harbormaster Services Agreement \*08/11/2014

**Public Utilities Committee**

***In Committee:***

1. Stormwater Permitting Status Update
2. Letter from Daniel Eyink, MD regarding water fluoridation
3. Energy Advisory Committee letter regarding lights on private property

\*05/12/2014

\*05/27/2014

\*06/30/2014

**Rules Committee**

**16. GOOD OF THE ORDER**

**17. ADJOURNMENT**

**CONSENT AGENDA**

**CITY COUNCIL MEETING MINUTES - VERSION 1**  
**August 11, 2014**

**CITY COUNCIL MEETING 7:30PM**

Council President O'Brien called the meeting to order at 7:30 pm. A moment of silence was held for Ruth E. Hogg, grandmother of Harbormaster Paul Hogg, who had recently passed away and Ed Metcalf of Newburyport. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Giunta, Cronin, Eigerman, Heartquist, Herzog, Kinsey, Tontar, Vogel, O'Brien. 10 present, 1 absent (Connell).

**LATE FILES** – There are two committee items that should have been in the packet, Bond Orders #2 and #3. There is a, Communication #12 Mayor's Update, Communication #13 on Crow Lane and Communication #14 on Shark and Tuna Tournament. **Motion to waive the rules and allow late files by Councillor Cameron, seconded by Councillor Vogel. So voted.**

**PUBLIC COMMENT**

Tom Salemi,	16 Tyng Street	NRA
Larry Collins	46 Garden Street, Topsfield	Shark Tournament
Jeffrey Brunelle	106 Low Street	Salvation Army
Sharif Zeid	192 Water Street	Zoning
Denis Kennedy	4 Carter Street	Road Race
Sheila Mullins	7 Parsons Street	Trust Fund
Steven Hines	54 Ferry Road	WFT

**MAYOR'S COMMENT** – Mayor gave an update on a number of items outlined in her Communication.

**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.

1. **APPROVAL OF MINUTES** (Approve)  
July 14, 2014 As Amended
2. **TRANSFERS**
  1. Health-Recycling & Energy RSV APP Solid Waste Fee \$17,500 to Household Hazardous Waste \$7,500, to Chipper Service \$10,000 (Approve)
9. **COMMUNICATIONS**
  1. Letter to Mayor from Councillor Vogel re Health Director (R&F)
  2. Block Party Strong & Boardman Streets, Sept. 6, 2014 from 5 to 9pm (Approve)
  3. Block Party Bricher, Hill & Cherry Streets, Aug. 16, 2014 from 4 to 9pm (Approve)
  4. Knights of Columbus Tootsie Roll Fundraiser Sat. Oct. 11, 2014 at State & High Streets (Approve)
  5. Conor McManamy request to sell reusable bags in Market Square (L&P)
  6. Neurofibromatosis Northeast Coast to the Cure bike Ride Sept. 6, 2014 (PS)
  7. Yankee Clipper Boy Scouts Pack 21 Popcorn Fundraiser Market Square Oct. 4, 8 & Nov. 1, 2014 (L&P)
  8. Response from New Ventures re letter from City dated June 26, 2014 (R&F)
  9. **Removed by Councillor Herzog.**
  9. Alzheimer's Assoc. Boot drive at State & High Streets Aug. 30, 2014 (Approve)
  10. Block Party Warren St. & Griffin & Cutter's Court, Sept. 20, 2014 from 3 to 10pm (Approve)
  11. Intermunicipal Harbormaster Services Agreement (NCS)  
**Removed by Councillor Cronin.**

**10. APPOINTMENTS-First Reading**

- |                      |                  |   |
|----------------------|------------------|---|
| 1. Sheila A. Mullins | 7 Parsons Street | <b>Appointment</b><br>Trust Fund Commission |
|----------------------|------------------|---|

August 1, 2017

- |                       |                    |                   |                             |                |
|-----------------------|--------------------|-------------------|-----------------------------|----------------|
| 2.                    | Douglas Locy       | 17 Alberta Avenue | Planning Board              | August 1, 2019 |
| 3.                    | Steven D. Hines    | 54 Ferry Road     | Waterfront Trust Commission | August 1, 2019 |
| <b>Re-Appointment</b> |                    |                   |                             |                |
| 4.                    | Richard J. O'Brien | 41 Olive Street   | Trust Fund Commission       | April 1, 2017  |
| 5.                    | Stephen Dodge      | 57 Milk Street    | Historical Commission       | August 1, 2017 |

**END OF CONSENT AGENDA**

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

**REGULAR AGENDA**

**11. APPOINTMENTS Second Reading**

- |                       |            |               |                  |              |
|-----------------------|------------|---------------|------------------|--------------|
| <b>Re-Appointment</b> |            |               |                  |              |
| 6.                    | John Ronan | 21 Ferry Road | Council on Aging | May 31, 2019 |

**Motion to approve 2<sup>nd</sup> reading by Councillor Cameron seconded by Councillor Cronin. Roll call vote 10 yes, 1 absent (Connell). So voted**

**12. COMMUNICATIONS**

- 8. Response from New Ventures re letter from City dated June 26, 2014  
**Motion to R&F Councillor Herzog, seconded by Councillor Cameron. So voted.**
- 11. Intermunicipal Harbormaster Services Agreement  
**Motion to Refer to PS Committee by Councillor Cronin, seconded by Councillor Herzog. So voted.**
- 12. LATE FILE Mayor's Update  
**Motion to R&F Councillor Herzog, seconded by Councillor Cameron. So voted.**
- 14. Shark and Tuna Tournament  
**Motion to R&F Councillor Cameron, seconded by Councillor Herzog. So voted.**

**13. ORDERS**

- 1. Licensed Contractor Bayberry Nurseries LLC  
**Motion to approve by Councillor Herzog, seconded by Councillor Heartquist. So voted**
- 2. Transfer Inn Street park and Playground to Parks Commission  
**Motion to approve by Councillor Eigerman, seconded by Councillor Vogel. 9 yes, 1 no (O'Brien), 1 absent (Connell)**
- 3. Abandon portion of Russell Terrace Ext.  
**Motion to refer to P & D Committee by Councillor Giunta, seconded by Councillor Herzog. So voted.**
- 4. Accept grant of drainage easements from Springwell Investments, LLC  
**Motion to refer to P & D Committee by Councillor Giunta, seconded by Councillor Cameron. So voted.**
- 5. Accept deed from Springwell Investments, LLC for fee  
**Motion to refer to P & D Committee by Councillor Giunta, seconded by Councillor Cameron. So voted.**
- 6. Order of Layout Morin Road and Richardson's Path  
**Motion to refer to P & D Committee by Councillor Giunta, seconded by Councillor Cameron. So voted.**

**14. ORDINANCES**

- 1. Second Reading Amend ORD Sec. 3-26-d Table of Designated Off Leash Areas  
**Motion to approve by Councillor Herzog, seconded by Councillor Heartquist. Roll call 9 yes, 1 no (O'Brien) 1 absent (Connell). So voted.**
- 2. Second Reading Amend ORD Sec. 3-26 subsection e, Rules for Designated Off Leash Areas  
City Council Agenda Aug. 11, 2014v3

**Motion to approve by Councillor Herzog, seconded by Councillor Kinsey. Roll call 10 yes, 1 absent (Connell). So voted.**

3. Second Reading Amend ORD Zoning Section XII-B, Harbormaster Facility  
**Motion to approve by Councillor Cronin, seconded by Councillor Tontar. Roll call 10 yes, 1 absent (Connell). So voted.**
4. Second Reading Amend ORD Zoning Section XXVII-E and F (downtown overlay district)  
**Motion to approve by Councillor Eigerman, seconded by Councillor Cameron. Roll call 9 yes, 1 no, (O'Brien) 1 absent (Connell). So voted.**
5. Second Reading Amend ORD Zoning Section XXVIII, Demolition control overlay district  
**Motion to strike the words 'or dormer' by Councillor Eigerman, seconded by Councillor Cameron. So voted.**  
**Motion to approve as amended and order 1<sup>st</sup> reading (to be published) by Councillor Eigerman, seconded by Councillor Cameron. So voted.**
6. Second Reading Amend ORD Sec 12-97 Road Races  
**Motion to approve by Councillor Cronin, seconded by Councillor Giunta. Roll call 10 yes, 1 absent (Connell). So voted.**
7. Second Reading Amend ORD Sec 13-174 State Street  
**Motion to approve by Councillor Eigerman, seconded by Councillor Cameron. Roll call 10 yes, 1 absent (Connell). So voted.**
8. Second Reading Amend ORD Sec 13-168 Parking Restricted Fair Street  
**Motion to approve by Councillor Eigerman, seconded by Councillor Kinsey. Roll call 10 yes, 1 absent (Connell). So voted.**
9. Second Reading Amend ORD Sec 13-180 Sec. (g(2)) Zone 2 Add Fair Street  
**Motion to approve by Councillor Eigerman, seconded by Councillor Cameron. Roll call 10 yes, 1 absent (Connell). So voted.**
10. Second Reading Amend ORD Sec 13-187 Speed Limits  
**Motion to approve by Councillor Cronin, seconded by Councillor Cameron. Roll call 10 yes, 1 absent(Connell). So voted.**
11. Second Reading Amend ORD Sec 13-179 Handicap Parking Woodland St.  
**Motion to approve by Councillor Tontar, seconded by Councillor Cameron. Roll call 10 yes, 1 absent (Connell). So voted.**
12. Amend ORD Sec 13-168 Parking restricted Olive Street  
**Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Herzog. So voted.**
13. Amend Zoning ORD Medical Marijuana Treatment Center  
**Motion to amend by striking "All that portion of the IIB District north of Hale Street by Councillor Giunta, seconded by Councillor Eigerman. 7 yes, 2 no (Tontar, Cameron), 1 recused (Cronin), 1 absent (Connell)**  
**Motion to approve by Councillor Eigerman, seconded by Councillor Vogel. 9 yes, 1 recused (Cronin), 1 absent (Connell)**

**15. COMMITTEE ITEMS**

**Budget & Finance**

*In Committee:*

1. Mayor letter regarding Order for Revolving Fund Expenses \*03/17/2014
2. Order Amend Revolving Fund expenses \*03/17/2014
3. Order Home Rule Petition- supplementing education budget (COTW) \*05/12/2014
4. Amend ORD Ch. 2 Section 2-45 City Council Salary \*05/12/2014
5. Amend ORD Ch. 2 Section 2-61A School Committee Salary \*05/12/2014
6. Human Resources Dependent Audit \*06/30/2014

**General Government**

**In Committee:**

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

**Motion to remove collectively items 2 & 3 Councillor Vogel, seconded by Councillor Heartquist. So Voted**

**Motion to approve Item 1 (Brenahan Bonding) Councillor Vogel, seconded by Councillor Heartquist, Roll call 10 yes, 1 absent (Connell). So voted.**

**Motion to approve Item 2 (Special Election) Councillor Vogel, seconded by Councillor Cameron. Roll call 10 yes, 1 absent (Connell). So voted.**

**Joint Education**

*In Committee:*

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

**Councillor Kinsey stated - Tours of the Bresnahan School ,Aug. 20, 2014 5:00 to 7:30 pm.**

**License & Permits**

*In Committee:*

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

**Motion to remove by Councillor Heartquist, seconded by Councillor Herzog. Motion to R&F by Councillor Heartquist, seconded by Councillor Vogel. Councillor Heartquist gave an update on the meeting with the BOH and Director Bracey reciting that there were questions put forward by the Chair of the L & P and then answered by the Director.**

**Neighborhoods and City Services**

*In Committee*

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

**Planning & Development**

*In Committee:*

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

**Public Safety**

*In Committee:*

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

**Motion to remove Councillor Cronin, seconded by Councilor Cameron. So voted. Motion to R&F Councillor Cronin, seconded by Councillor Tontar. So voted.**

- 5. 2<sup>nd</sup> Annual Pumpkin Patch request Jeanne Geiger Crisis Center \*07/14/2014

**Public Utilities Committee**

*In Committee:*

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

**Councillor Herzog stated there will be a Public Utilities Meeting on August 14, 2014. 7pm**

**Rules Committee**

**16. GOOD OF THE ORDER –Councillor Tontar stated there would be an Art Exhibit at the Bartlett Mall for ten days starting Thursday, Aug. 14, 2014.**

**17. ADJOURNMENT**

**Councillor Cameron moved to adjourn, seconded by Councilor Cronin at 9:02 pm, so voted.**

# COMMUNICATIONS



RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 AUG 19 12 56



CITY OF NEWBURYPORT  
60 PLEASANT STREET  
NEWBURYPORT, MA 01950

### BLOCK PARTY APPLICATION

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

DATE OF REQUEST: 8/6/14

#### CONTACT INFORMATION

FIRST AND LAST NAME: Barry Connel

MAILING ADDRESS: 36 Woodland St., Nbpt

PHONE NUMBER: 978-462-7462

E-MAIL ADDRESS: envirocom@comcast.net

#### BLOCK PARTY INFORMATION

BLOCK PARTY DATE: 8/30/14

DESIRED STREET CLOSING LOCATION: Payson St. (Woodland to Chapel)  
Please indicate cross streets when requesting the closing of street sections

STREET TO BE BARRICADED: Payson St @ Woodland

DESIRED STREET CLOSING TIME: 5:00 - 11:00 pm  
Block Parties should run no later than 10:00 p.m.

**REGULATIONS**

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

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

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

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

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

Applicant Signature *[Signature]* Date 8/5/15

**APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE**

CITY MARSHALL  
4 Green Street

FIRE CHIEF  
Greenleaf Street

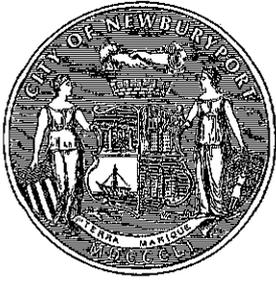
DEPUTY DIRECTOR  
1 Perry Way

CITY CLERK  
60 Pleasant St.

*[Signature]*  
*[Signature]* 8/6/14  
*[Signature]* DPS PIA  
*[Signature]*

City use only:

Approved \_\_\_\_\_ -Denied \_\_\_\_\_ Date \_\_\_\_\_



CITY OF NEWBURYPORT

Communication #2  
August 25, 2014

CITY COUNCIL

August 13, 2014

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

Honorable Deval L. Patrick  
Governor, Commonwealth of Massachusetts  
State House, Room 360  
Boston, MA 02133

Dear Governor Patrick:

TEL: 978-465-4407  
FAX: 978-462-7936

We, as members of the Newburyport City Council, representing the residents of Newburyport, are writing for your authorization to release funds secured in the Environmental Bond Bill which would create a Crow Lane Landfill Fund of \$3,000,000 for the City of Newburyport to monitor, maintain and respond to the Crow Lane Landfill to ensure public health and safety.

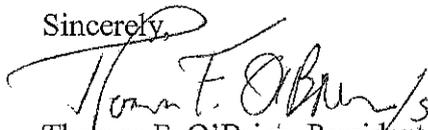
The complete capping and closure of the Crow Lane Landfill is a critical public safety project in our city. The project of closing and capping the Crow Lane Landfill began fourteen years ago. Since then, we have waited year after year for the owner of the landfill to move towards closure as quickly as possible. However, in recent years, the funding assurance mechanism, which was set up to fund maintenance, monitoring, and repair of the landfill, has been depleted from the initial installment of \$3,000,000 to under \$90,000 and closure of the landfill remains incomplete.

Over the course of this process, residents have contacted the Newburyport City Council with a number of public health and safety concerns, especially those related to continued hydrogen sulfide emissions from the landfill. It is of critical importance that the landfill be closed completely and correctly for the well-being of our city's residents that abut the property.

We respectfully ask on behalf of our constituents that the \$3,000,000 allocated in the Environmental Bond Bill for the Crow Lane Landfill Fund be included in your Fiscal Year 2015 bond authorization list so these concerns can be addressed as quickly as possible.

We appreciate your consideration of this important priority.

Sincerely,

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

**CITY OF NEWBURYPORT, MASSACHUSETT**  
**Donna D. Holaday, Mayor**



Office of the Mayor  
60 Pleasant Street  
Newburyport, MA 01950

Phone: 978-465-4413

Fax: 978-465-4402

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 AUG 18 P 2:57

To: Council President and Members of the City Council

From: Peter Lombardi, Director of Policy and Administration

Date: August 18, 2014

Re: FY 2014 Successor Collective Bargaining Agreement

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The following is a summary of the agreement that has been reached in principle for FY14-FY16 with the Newburyport Firefighters union - International Association of Firefighters, Local 827. The City has agreed to the terms contained herein subject to appropriation by the City Council. The Local 827 voted to ratify the terms of this agreement on July 10, 2014.

Overall, the Firefighters will see a 5.5% COLA increase over the three fiscal years of the contract, with retro pay back to July 1, 2013. The major concession on their part is related to sick leave and sick leave buyback. On this front, they have agreed to 3 less sick days a year and a reduction in sick leave buyback for new employees from a max of 150 to 140 days. Limiting these costs in future fiscal years is essential to the long-term sustainability of the City's operating budget and has accordingly been a priority area in recent contract negotiations across the board with the various collective bargaining units.

Through this most recent contract negotiation, we have also sought to create a foundation on which to build a transition to Fire-based EMS. To this end, we have added a stipended EMS Coordinator position that will have significant tracking, reporting, and training responsibilities. We have eliminated the annual stipend for EMT certification and have included a one-time increase of 3.5% to the base salary of firefighters who have this training, a solid majority of the Department. We will also be offering in-house EMT training through Cataldo/Atlantic Ambulance for all existing employees who do not currently have this certification (approximately 10 employees). We are now requiring all new employees to be EMT certified within a year of employment with the City and all employees, both existing and new, to at minimum maintain the level of EMT certification they have.

The cumulative 4.0% Cost of Living Adjustment (2.0% in FY14 & 2.0% in FY15) and other wage considerations that have been agreed to in this contract have been accounted for in the FY15 Annual Budget under the Mayor's Office Budget Contingency. The related transfer request is required to shift the available funding to the pertinent Fire Department personnel line item. However, it should be noted that a transfer from Free Cash may be required to fund the Police Patrolmen's contract (the only other expired contract that is currently being negotiated) at the close of FY15 due to some changes in when the COLA increases were applied for this agreement (1.5% increase was shifted out to FY16).

As always, we have also tried to standardize language and benefits across all contracts in an effort to be equitable and consistent. For this contract, changes were made to bereavement leave, health insurance, personal leave, and private details to address these discrepancies. We also clarified some important terms and conditions of employment regarding the Deputy Chief that had never been included in previous contracts.

Finally, a priority for the Chief has been ensuring proper management and oversight of firefighters located at Station 2. Recognizing the significant cost of adding 4 new Lieutenants at this location, the union has agreed that the senior firefighter on duty will take on additional supervisory responsibility and will receive a modest shift differential.

Here are the details of the changes that have been agreed to by both parties:

1. ARTICLE 3, SECTION I (Employee Information) (Page 2): Delete Section 1 and replace with the following sentence: "The City shall provide one (1) hard copy and one (1) electronic copy of the collective bargaining agreement to the Union within thirty (30) days after the commencement of the agreement or the effective date of this agreement, whichever is later. The Union shall be responsible for distributing copies of the agreement to the members of the bargaining unit."
2. ARTICLE 4, SECTION III (Response Complement) (Page 3): Change wording in Example #3 to hire Lieutenant on OT if Chief and Deputy are both on vacation, sick, training, or unable to respond within a reasonable time. For the purposes of this section, "a reasonable time" shall be defined as sixty (60) minutes.
3. ARTICLE 4, SECTION IV (Infectious/Communicable Disease) (Page 4): Add the following: "The City shall replace all uniforms and work clothing that have been damaged, destroyed, or contaminated to the point where they are no longer suitable when such damage, destruction, or contamination is a direct result of the employee coming into contact with a person who has an infectious/communicable disease in the line of duty. Every effort shall be made by the employee to clean and disinfect his/her uniform and work clothing following the incident. The Chief or his/her designee shall determine when uniforms and work clothing are in need of replacement under these circumstances."
4. ARTICLE 4, SECTION IV (Infectious/Communicable Disease) (Page 4): In subsection entitled "EXPOSURE TO INFECTIOUS/COMMUNICABLE DISEASE," delete the third sentence and replace with the following: "The City reserves the right to require an employee to be tested to ensure that he/she can safely perform the essential functions of his/her position according to the provisions of MGL Chapter 111 Section F."
5. ARTICLE 5, SECTION I (Time off – Union Business) (Page 5): Change negotiation team from 3 to 4 and allow up to 6 delegates to attend bi-annual conference without taking vacation/personal time.
6. ARTICLE 6, SECTION II (Discipline) (Page 5): Add the following:  
"All employees shall be given a twelve (12) month probationary period. After completion of the probationary period, no employee shall be disciplined or discharged except for just cause. The Union shall be notified of all disciplinary actions, including discharge, within 24 hours."

7. ARTICLE 7, SECTION I (Substitutions) (Page 6): Remove Section 1 and replace with the following:

“Any employee shall be granted a special leave of duty, without loss of pay, benefits, or seniority, for any tour of duty on which the employee is able to secure another employee to work in his/her place provided that no swapping will result in overtime to the City. The shift officer must be informed at the time of the request what the reason is for the shift swap, and whether it is for a full or partial tour.”

8. ARTICLE 12, SECTION I (Sick Leave) (Page 9): Amend the entire Sick Leave Buyback paragraph to read as follows:

“Effective July 1, 2014:

- a. Employees shall be credited with one and a quarter (1 ¼) days of sick leave per month with unlimited accrual of sick leave days.
- b. Existing employees shall be eligible to buyback 50% of their accrued sick time upon retirement up to a maximum of one hundred and fifty (150) days.
- c. Employees hired after July 1, 2014 shall be eligible to receive a maximum of one hundred and forty (140) days of sick leave buyback based on 50% payment for accrued sick time.
- d. Sick leave shall be granted for sickness or injury (off the job) and for absences because of quarantine in the family. Sick leave shall be granted for illness in the employee's household if such illness requires the presence of the employee at home.
- e. Notwithstanding Sections b, c, and d of this Article, upon the death of an employee, the beneficiary of said employee shall receive payment on one hundred percent (100%) of the employee's accumulated sick leave credits at the time of death.
- f. This section is not applicable to employees who resign, quit, or are discharged for just cause.
- g. An employee who wishes to retire in the next fiscal year shall provide written notice to the Mayor and Department Head by December 1 of the fiscal year prior to the fiscal year that he/she intends to retire, and shall specify a tentative date. An employee who gives the required notice in a timely fashion shall receive the sick leave buyback in the next pay period after the date of retirement. If the employee fails to give requisite notice by December 1, the City will have no obligation to make the buyback payment until the first full payroll period of the fiscal year for which the City has had the requisite notice and opportunity to budget for the necessary funds.”

9. ARTICLE 12, SECTION II (Bereavement Leave) (Page 10): Delete the existing paragraph and replace with the following:

“In the event of a death in the immediate family, the member shall be granted two 24 hour tours, not to exceed 48 hours total without loss of pay. Immediate family shall be defined as spouse, child, step-child, mother, father, step-mother, step-father, brother, sister, mother-in-

law, father-in-law, brother-in-law, sister-in-law, daughter-in-law, son-in-law, grandparents, and grandchildren.

In the event of a death of an aunt or uncle, employees will be entitled to one 24 hour tour without loss of pay. Additional time off may be allowed at the discretion of the Chief.

In addition to the death of an immediate family member, a member of the bargaining unit may request the use of bereavement time for a non-family member by submitting a written request to the Chief for approval."

10. ARTICLE 12, SECTION IVB (Release of Records / Accumulation of Time) (Page 10): Allow members out on 111F to carryover all unused vacation and personal time
11. ARTICLE 14, SECTION I (Life and Medical Insurance) (Page 11): Remove Section 1 and replace with the following: "The current health insurance benefits are in accordance with the agreement negotiated by the City and the Public Employee Committee (PEC Agreement) pursuant to MGL Ch. 32B Section 19. The parties agree that any changes in the Health Insurance benefits for bargaining unit member shall be negotiated under MGL Ch. 32B."
12. ARTICLE 15, SECTION 1 (Grievance Procedure) (Page 12): Add the following as the last sentence in Section 2: "Any request for an extension of time made by the City shall be submitted to the Union in writing within 10 days."
13. ARTICLE 15, SECTION I (Grievance Procedure) (Page 12): In Step One, replace "three (3) days" with "five (5) days". In Step Two, replace "five (5) days" with "ten (10) days".
14. ARTICLE 16, SECTION I (Paid Details) (Page 12): Delete the existing paragraph and replace with the following:

"The hourly outside detail rate shall be computed at one and one-half (1 ½) times the hourly rate of a Lieutenant with a Bachelor's Degree. The hourly outside detail rate for weekend and holidays, which shall be defined as any detail worked from Friday (6:00 pm) through Monday (8:00 am), or Tuesday (8:00 am) on weeks with a Monday holiday, shall be computed at one and one-half (1 ½) times the hourly rate of a Lieutenant with a Bachelor's Degree, plus an additional ten (\$10.00) dollars per hour. Firefighters will be hired for a minimum of four (4) hours or a minimum of eight (8) hours if the actual time worked exceeds four (4) hours. A rate of time and one half the hourly rate of a Lieutenant with a Bachelor's Degree shall be paid for all details that exceed eight (8) hours. These rates shall take effect the date of the signing of this 2013-2016 Agreement.

The City shall establish up to a 10% administrative fee per hour per officer for the cost of administering details, under c. 44, Section 53C. The City shall make disbursements to firefighters on a bi-weekly basis regardless of whether or not the City has received payments for said details prior to the subsequent pay period.

On cancellation of a detail where a man has been hired, notification must be made at least two (2) hours prior to starting time. Failure to do so will result in the officer being paid for a four (4) hour minimum."

15. ARTICLE 21, SECTION II (Compensation) (Page 15): Replace with the following: "Said amounts are to be paid over and above firefighters' biweekly salary. Adjustments in percentages shall be effected on a biannual basis (July 1 and January 1), pending submission of proof of academic record to date from an accredited college or university. Education incentive compensation paid to employees shall be included as regular compensation for deduction purposes toward retirement."
16. ARTICLE 21, SECTION IV (Education Incentive) (Page 15): Replace with the following:  
 "Employees shall receive annual compensation in addition to the annual base salary for completing coursework towards an Associate Degree in Fire Science from an accredited college or university according to the following schedule:  
 10 credits                      2% of annual base salary  
 25 credits                      4% of annual base salary  
 40 credits                      6% of annual base salary  
 Associates Degree        15% of annual base salary  
 Employees completing coursework from an accredited college or university beyond the requirements of an Associate Degree in Fire Science shall receive annual compensation in addition to the annual base salary according to the following schedule:  
 90 credits                      17.5% of annual base salary  
 Bachelor's Degree        20% of annual base salary  
 Master's Degree            22.5% of annual base salary  
 For the purposes of this advanced degree compensation schedule, eligible coursework shall include: Fire Science, Business Management/Administration, Public Administration, Fire Engineering, Information Technology, Paramedicine (EMS), Criminal Justice, Emergency Management, and Nursing."
17. ARTICLE 21, SECTION III (Schooling) (Page 15): Replace with the following: "Fire department employees shall be eligible for up to \$200.00 annually to help defray the cost of materials relative to schooling and firefighting, promotional exams, and EMT recertification. Payments shall be made on a reimbursement basis upon submission of receipts to the Fire Chief."
18. ARTICLE 21, SECTION IV (EMT Stipends) (Page 16): Amend Section in its entirety to read as follows: "Effective July 1, 2014, all firefighters who possess and maintain a valid state of Massachusetts Emergency Medical Technician (EMT) certification will receive an increase of 3.5% to their annual base salary. FY14 will be the last fiscal year in which stipends (\$1,000) will be paid to members of the bargaining unit who meet this criterion. Current members of the bargaining unit who have their EMT certification and choose not to maintain their certification at the highest level that they have attained while in the employ of the City will forfeit the 3.5% increase in their base salary effective immediately after the expiration of their certification. In FY15, the City will provide a one-time, in-house training program for all members of the bargaining unit who do not currently possess said EMT certification. This state EMT certification course will be provided at no cost to the members.

Effective July 1, 2014, all new members of the bargaining unit will be required to possess and maintain a valid state of Massachusetts Emergency Medical Technician certificate within twelve (12) months of employment with the City. Said new members shall also be required to

maintain their EMT certification at the highest level that they have attained while in the employ of the City. Any new member who fails to comply with these EMT certification requirements will be subject to discipline, including, but not limited to, termination.”

19. Add ARTICLE 21, SECTION VI (EMS Coordinator Stipend) (Page 16): Effective upon the execution of this 2013-2016 agreement, a new position of EMS Coordinator will be created. A full job description will be provided in advance of this new position being posted. Once posted, ample notice will be given before applications are due. The position will be filled by the senior most qualified applicant at the discretion of the Chief in consultation with the Mayor’s Office. The City will provide a 5% stipend above the selected individual’s base salary as compensation for this added responsibility.
20. ARTICLE 26, SECTION I (Duration of Agreement) (Page 20): Modify dates to reflect the new term of the agreement (July 1, 2013 to June 30, 2016).
21. APPENDIX A (Wages) (Page 21): FY14 2.0%; FY15 2.0%; FY16 1.5%
22. ARTICLE 9, SECTION III (Paid Holiday and Personal) (Page 8): Change personal days from three (3) shifts of time off to four (4).
23. ARTICLE 10, SECTION I (Wages and Differentials) (Page 8): Add the following: “Effective upon the execution of this 2013-2016 agreement, the senior firefighter at Station 2 will receive a 3% differential above their base salary rate for the shift in which they serve in this supervisory capacity.”

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24. ARTICLE 6, SECTION V (Working Out of Grade) (Page 6): Add the following: “This provision shall apply to the Deputy Chief provided that such assignment is for a period of at least fourteen (14) consecutive calendar days.”

25. ARTICLE 19, SECTION I (Hours) (Page 14): Add the following to the end of the section:  
“The Deputy Chief is an administrative position and will, therefore, follow an administrative schedule. His/her hours shall be Monday through Friday 8AM to 4PM.

With the exception of out of grade pay as defined in Article 6, Section V, the Deputy Chief’s salary provided herein shall constitute the entire compensation attributable to the performance of the duties and responsibilities of the position. This position is expected to be on call and available to direct and assist in the City’s response to fire related and other emergency situations which require service outside of the normal workday. This position is also expected to meet certain deadlines in the performance of his/her duties and to appear before boards, commissions and the City Council outside the normal workday as needed.

Effective July 1, 2014, the Deputy Chief shall receive a one-time increase of three thousand nine hundred dollars (\$3,900.00) to his base salary in addition to the COLA increases agreed to herein by the bargaining unit. This position will no longer be eligible for overtime pay for any reason or out of grade pay (unless the Chief is out of the City for fourteen consecutive days). A separate

salary schedule shall be included in this and all future collective bargaining agreements that establishes the Deputy Chief position's pay rate for the duration of the contract.

It is recognized that the Deputy Chief may occasionally be required to devote significant time outside the normal work schedule to the business of the City, and to that end, he/she shall be allowed to take reasonable compensatory time off upon notification and approval of the Fire Chief.

In accordance with this collective bargaining agreement, the Deputy Chief shall continue to receive all other rights and benefits afforded to him under this agreement.”

Newburyport Board of Health  
Newburyport City Hall  
60 Pleasant Street  
Newburyport MA 01950

August 25, 2014

Dear Dr. Blair, Dr. Susan Beluk, Ms. Patricia Lawrence, RN

The Newburyport City Council would like to take this opportunity to voice our support in your upcoming effort to ban so-called synthetic marijuana products from store shelves. These products have made regional news recently in neighboring New Hampshire communities as the source of numerous overdoses. This action when undertaken by the Board of Health will certainly be an additional safeguard for residents and visitors alike here in Newburyport.

While Newburyport has not suffered a similar fate with these products as other communities, that is largely due to the efforts of the BEACON Coalition, our Youth Services department employees including Andi Egmont, Health Director Bob Bracey and the Board of Health. However, we must continue to be ever vigilant as manufacturers produce variations of these products and continue to seek outlets for their sale. The Council also recognizes the contribution of retailers who have removed items from their shelves in voluntary compliance.

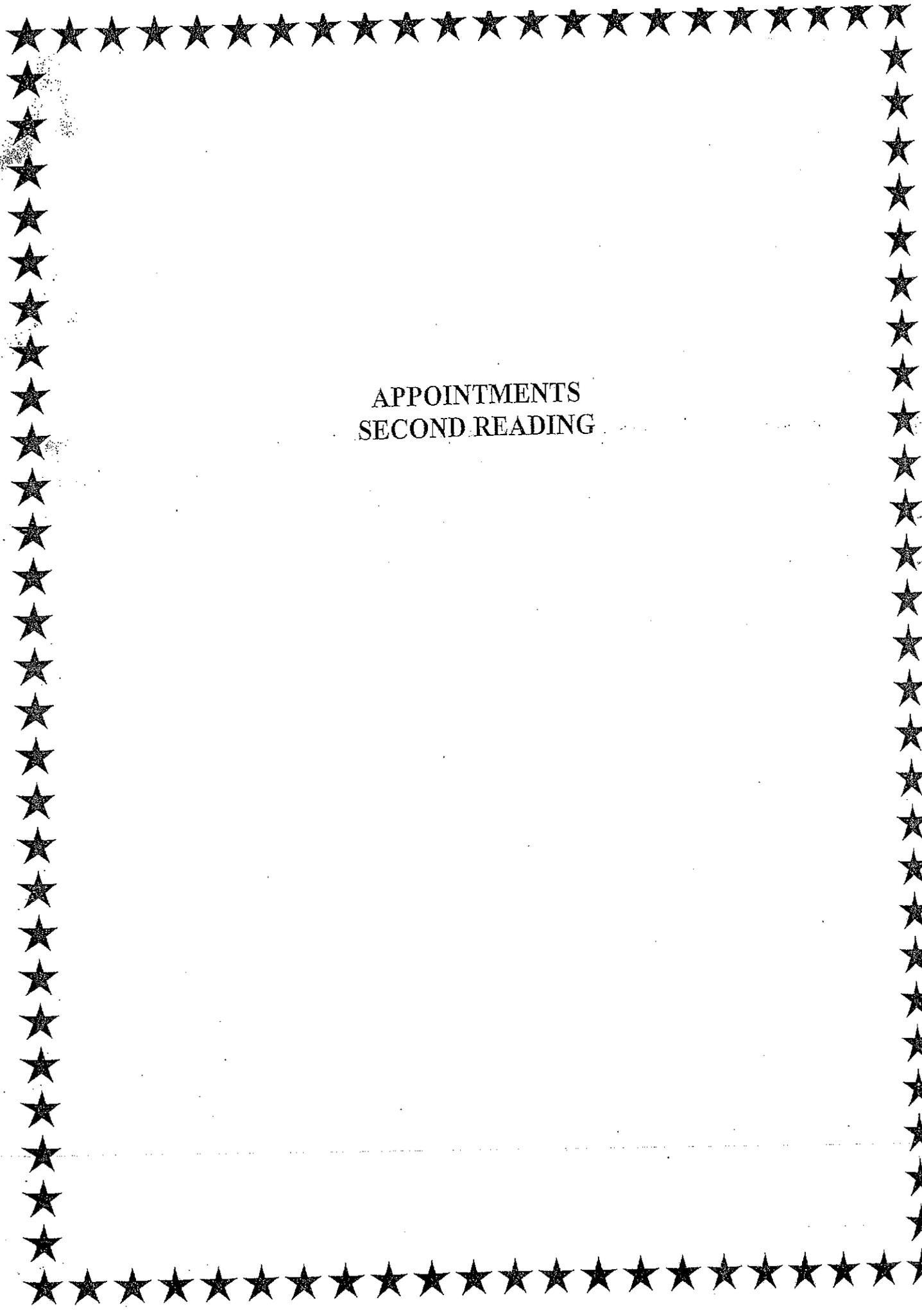
The Newburyport City Council, by vote has endorsed your proposal to clear Newburyport shelves of these products by regulation. We support this approach of product removal and the message it sends. The Newburyport City Council continues to offer any assistance we can to assist you with this initiative.

Respectfully submitted for the Newburyport City Council,

*Robert J. Cronin*

Councilor Robert J. Cronin  
Public Safety Chair

**REGULAR AGENDA**



APPOINTMENTS  
SECOND READING

**MAYOR'S APPOINTMENTS  
AUGUST 25, 2014  
SECOND READING**

**APPOINTMENTS**

**Appointment**

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

**Re-Appointment**

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

**In City Council August 11, 2014**

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

# ORDERS

CITY OF NEWBURYPORT



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IN CITY COUNCIL

**ORDERED:**

**A RESOLUTION TO DECLARE CAR-FREE DAY**

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

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

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

WHEREAS the Massachusetts Department of Transportation celebrated a car-free week last year that resulted in reducing 214 tons of emissions, reducing 35,000 car trips, and reducing 478,000 miles; and

BE IT RESOLVED the Newburyport City Council commemorates World Car Free Day by declaring Monday, September 22, 2014 to be "Newburyport Car Free Day" for for the third consecutive year and calls for a voluntary pledge from residents to be car-free one or more days every month.

Councillor Ari B. Herzog

CITY OF NEWBURYPORT



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IN CITY COUNCIL

**DATE:** August 25, 2014

**ORDERED:**

**THAT the City Council** of the City of Newburyport approves the Mayor's **Supplemental Budget Request #1 FY2015** in the amount of **\$31,490.00**.

**UMass Collins Center Consulting**

Cost: \$15,000.00

**Budget Visualization Website**

Cost: \$3,000.00

**Additional Hours for Fire and Police Department Executive Assistants**

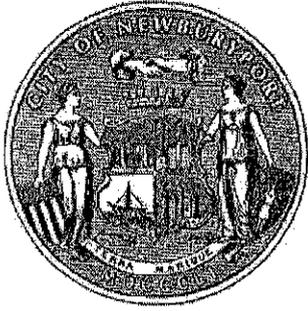
Cost: \$9,882.00

**Payroll & Benefits Coordinator Position**

Cost: \$3,608.00

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**Councillor Charles F. Tontar**



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 AUG 19 P 3:50

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: August 25, 2014  
Subject: Supplemental Budget Request

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Based on updated FY2015 revenue estimates, the City has \$33,981.07 in additional funding available for the current fiscal year. These funds are available due to overall healthy FY2014 actual results, which allowed the City make slight revisions to our FY2015 revenue estimates. Accordingly, I am submitting the following items as a Supplemental Budget Request.

- UMass Collins Center Consulting  
Cost: \$15,000.00  
Rationale: Provides the City with consulting services for Fire-based Emergency Medical Services (EMS), combined Police and Fire Dispatch and implementation of analytical tools for performance management.
- Budget Visualization Website  
Cost: \$3,000.00  
Rationale: Establishes a budget visualization tool for the City that provides the public with open access to viewing relevant financial data, such as historical and current revenues, expenditures and fund balances.
- Additional Hours for Fire and Police Department Executive Assistants  
Cost: \$9,882.00  
Rationale: Increases the hours for the executive assistants of the Fire and Police Departments from 35 to 40 hours per week.

- Payroll & Benefits Coordinator Position

Cost: \$3,608.00

Rationale: Allows for the City's Payroll Coordinator function to be moved and upgraded from the Treasurer/Collector's Office to the Human Resources

Department as a Payroll and Benefits Coordinator. The upgraded position will continue to be responsible for the City's payroll and will assist the new Human Resources Director in administering employee benefits for the City and Schools.

The Supplemental Budget Request totals \$31,490.00, which I anticipate to be the only additional funding request for FY2015, until Free Cash is certified later this fall. I look forward to discussing these funding needs in further detail when this request has been referred to the Budget and Finance Committee for their review.

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2014 NOV 19 P 3:50

**ORDINANCES**

# CITY OF NEWBURYPORT



IN CITY COUNCIL

July 14, 2014

## ORDERED:

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

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

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

#### SECTION XXVIII: DEMOLITION CONTROL OVERLAY DISTRICT

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

##### XXVIII-C Establishment.

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

##### XXVIII-E Procedure and criteria.

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

Councillor Jared J. Eigerman

In City Council May 27, 2014

Councillor Cameron moved to P&D Committee and Planning Board, seconded by Councillor Herzog, so voted.

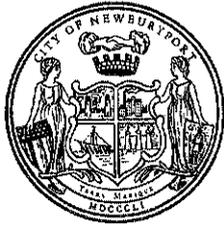
In City Council July 14, 2014

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

In City Council August 11, 2014

Councillor Eigerman moved to strike words "or dormer", seconded by Councillor Cameron, so voted.  
Motion to approve as amended Councillor Eigerman seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Connell).

CITY OF NEWBURYPORT



IN CITY COUNCIL

May 27, 2014

**ORDERED:**

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

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

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

Section V-D: Table of Use Regulations

Add the following:

Use	NUM	CON	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-1B	I-2	M	WMD	WMU
Medical Marijuana Treatment Center	217	NP	SP <sup>(b)</sup>	SP <sup>(b)</sup>	NP	NP	NP	NP						

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

Section V-E: List of Allowable Uses

Add the following:

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

Section VI: Dimensional Controls

Table of Dimensional Requirements

Add the following:

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

Section V: Use Regulations

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

V-G: Medical Marijuana Treatment Centers

A. Purpose

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

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

B. Definitions

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

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

C. Establishment

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

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

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

Land within the MMOD may be used either for:

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

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

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

D. Permitting Procedure and Criteria

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

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

1. A copy of its registration as a MMTC from the Massachusetts Department of Public Health ("DPH");
2. A letter from the owner of the property on which the proposed MMTC is to be located indicating approval of the proposed use and submission of the application to the SPGA.

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

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

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

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

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

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

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

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

E. Decision and Conditions of Approval

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

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

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

- i. Hours of Operation
- ii. The permit holder shall file a copy of any Incident Report required under 105 CMR 725.110(F) with the Building Inspector, Director of Planning and Development, Director of Public Health, Police and Fire Departments and the SPGA within 24 hours of creation by the MMTC. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.
- iii. The permit holder shall file a copy of any cease and desist order, quarantine order, suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the MMTC with the Building Inspector, Director of Planning and Development, Director of Public Health and SPGA within 48 hours of receipt by the MMTC.
- iv. The permit holder shall provide to the Building Inspector, Director of Planning and Development, Director of Public Health, Fire Chief and Police Marshal, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
- v. The special permit authorizing the establishment of a MMTC shall be valid only for the specific registered entity to which the special permit was issued, and only for the site on which the MMTC has been authorized by special permit. If the registration for the MMTC has been revoked by the DPH or if the MMTC registration is to be transferred to another controlling entity, or is to be relocated to a different site within the MMOD, a new special permit shall be required.
- vi. An MMTC shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home deliveries to qualified clients pursuant to applicable state and local regulations.
- vii. The special permit shall lapse upon the expiration or termination of the applicant's registration by DPH.
- viii. The permit holder shall notify the Building Inspector, Director of Planning and Development, Director of Public Health, Fire Chief and Police Marshal and the SPGA in writing within 48 hours of the cessation of operation of the MMTC or the expiration or termination of the permit holder's registration with DPH.
- ix. The permit holder shall at all times comply with regulations regarding MMTCs promulgated by the Board of Health.
- x. The Police Department, Fire Department, Building Inspector and Director of Public Health shall have the right to inspect the subject premises to assure compliance with the special permit.
- xi. Prohibition Against Nuisances: No use or operation shall be allowed at any MMTC which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

F. Severability

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

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Councillor Jared Eigerman

**In City Council August 11, 2014**

Motion to strike C-1. (All that portion of the 11B District North of Hale Street) by Councillor Giunta seconded by Councillor Eigerman. Roll call vote 7 yes 2 no (Tontar, Cameron) 1 recused (Cronin) 1 absent (Connell) So voted

Motion to approve as amended 1<sup>st</sup> reading and ordered published by Councillor Eigerman seconded by Councillor Vogel. Roll call vote 9 yes, 1 recused (Cronin) 1 absent (Connell) So voted

CITY OF NEWBURYPORT



\_\_\_\_\_  
IN CITY COUNCIL

August 20, 2014

**ORDERED:**

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

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

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

**DELETE:**

**Street**

Franklin Street

**Extent**

No parking Westerly side only of Franklin Street from the property line between 10 Franklin Street and 6 Franklin Street and running in a northerly direction to Water Street.

Councillor Charles F. Tontar  
Councillor Bruce L. Vogel

**COMMITTEE ITEMS**

**NEIGHBORHOOD & CITY SERVICES  
LICENSE & PERMITS**

August 5, 2014

**AN ORDINANCE TO REGULATE THE RETAIL DISTRIBUTION OF THIN-FILM, PLASTIC BAGS WITH INTEGRAL HANDLES**

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

***General Ordinance Amendment:***

**CHAPTER 6.5: ENVIRONMENT**

Insert a new Article III to Chapter 6.5 of the Code of the City of Newburyport, Massachusetts, with the following text:

**ARTICLE III: PLASTIC BAGS**

**Section 6.5-43. Short Title**

This Article may be cited as the “Thin-film Plastic Bags Ordinance.”

**Section 6.5-44. Purposes and Intent**

The purposes of this Article are: to regulate the retail distribution of thin-film plastic bags with integral handles in the City of Newburyport; to encourage the use of reusable or biodegradable bags; and to encourage retail establishments to offer reusable bags.

**Section 6.5-45. Definitions**

- (a) “*Thin-film plastic bag with integral handles*” shall mean a bag with integral handles made of a non-biodegradable plastic that is 3.0 mils (3/1000<sup>th</sup> of an inch) in thickness or less.
- (b) “*Biodegradable bag*” shall mean a bag that both: (I) contains no polymers derived from fossil fuels; and (II) will decompose in a natural setting at a rate comparable to other biodegradable materials such as paper, leaves, and food waste.
- (c) “*Reusable bag*” shall mean a bag that is specifically designed and intended for multiple uses and is made of (I) plastic with a thickness greater than 3.0 mils, or (II) fabric or (III) other durable materials.
- (d) “*Retail establishment*” shall mean an establishment engaged in any “Business” or “Marine” uses regulated under Section V (Use Regulations) of Appendix A (Zoning Ordinance) of the Code of the City of Newburyport, Massachusetts.

**Section 6.5-46. Limitations**

- (a) *Regulated Activities.* No thin-film, plastic bag with integral handles shall be sold or otherwise distributed at or by any retail establishment within the City of Newburyport.
- (b) *Alternative Activities.* Retail establishments, at their sole election, may sell or otherwise distribute biodegradable bags and/or reusable bags within the City of Newburyport.

**Section 6.5-47. Enforcement**

- (a) *Regulations.* Consistent with this Article, the city shall promulgate regulations to enforce and otherwise implement the provisions of this Article ninety (90) days from the date that the mayor approves this Article or it otherwise comes into force.
- (b) *Noncriminal Disposition.* If the city determines that a violation of this Article has occurred at or by a retail establishment, such retail establishment shall be penalized by a noncriminal disposition as provided in Section 21D of Article 40 of the Massachusetts

General Laws, and adopted by the City as a general ordinance as Subsection 1-17 of Chapter 1 of the Code of Ordinances of the City of Newburyport, in the amounts set forth in Section 6.5-47 (d) of this Article.

- (c) *Warning.* Upon the first violation of this Article at or by a retail establishment, the city shall provide such retail establishment written notice that such first violation has occurred and issue a warning that any subsequent violations within a twelve (12) month period shall require the imposition of monetary penalty. No monetary penalty shall be imposed for this first violation.
- (d) *Subsequent Violations.* Upon subsequent violations of this Article at or by a retail establishment within twelve (12) months after a first violation, the city shall impose and provide the retail establishment written notice of the accrual of a monetary penalty. Such monetary penalty shall not exceed the following amounts:
  - (1) One-hundred dollars (\$100) for the second violation;
  - (2) Two-hundred dollars (\$200) for the third violation; and
  - (3) Five-hundred dollars (\$500) for the fourth and each subsequent violation.
- (e) *Late Payment.* If payment of any monetary penalty is not received on or before the date when due, than the city shall impose an additional penalty as provided by the regulations promulgated pursuant to this Article.
- (f) *Use of Revenues.* All revenues collected through payments of a monetary penalty under this Article shall be used only for the costs of enforcing this Article, including, without limitation, the hiring of inspectors and other enforcement officers, and to administrative costs associated with this Article.

**Section 6.5-48. Effective Date**

To facilitate compliance by retail establishments, enforcement of this Article shall be suspended until date that is one-hundred and eighty (180) days from the date that the mayor approves this Article or it otherwise comes into force. During such period of suspension, the city shall direct an effort to educate retail establishments about this Article.

**Section 6.5-49. Severability**

The City Council intends that each separate provision of this Article shall be deemed independent of all other provision herein. The City Council further intends that if a court of competent jurisdiction declares that any provision of this Article is invalid, then the remaining provisions of this Article shall remain valid and enforceable of this Article.

Sponsors:

Councillor Barry N. Connell  
Councillor Edward C. Cameron  
Councillor Robert J. Cronin  
Councillor Jared J. Eigerman  
Councillor Ari B. Herzog  
Councillor Charles F. Tontar  
Councillor Bruce L. Vogel

## Planning & Development

Date: August 11, 2014

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

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

Councillor Larry G. Guinta, Jr.

**In City Council August 11, 2014**

Motion to refer to Planning & Development by Councillor Giunta, seconded by Councillor Herzog.

Date: August 11, 2014

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

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

**NOW, THEREFORE, BE IT ORDERED:**

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

Councillor Larry G. Giunta, Jr.

**In City Council August 11, 2014**

Motion to refer to Planning & Development by Councillor Giunta, seconded by Councillor Cameron.

Date: August 11, 2014

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

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

Councillor Larry G. Guinta, Jr.

**In City Council August 11, 2014**

Motion to refer to Planning & Development by Councillor Giunta, seconded by Councillor Cameron.

Date: August 11, 2014

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

Councillor Larry G. Giunta, Jr.

**In City Council August 11, 2014**

Motion to refer to Planning & Development by Councillor Giunta, seconded by Councillor Cameron.

**PUBLIC SAFETY**

P

Communication #5  
June 30, 2014



2014 JUN 16 A 11: 56

June 16, 2014

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

Dear Members of the Newburyport City Council,

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

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

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

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



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

From *Animal Speak* by Ted Andrews

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

Thank you so much for your support in previous years. My Mom, Jackie Poor truly would have loved what we have been able to do. I look forward to working with the council.

If you have any questions or concerns please feel free to contact me.

Sincerely,

Amy Poor, Ova-Achieva 5K Director

[amypoor@mac.com](mailto:amypoor@mac.com)

206-999-0164

RS

Communication #6  
June 30, 2014

June 16th, 2014

Eli Bailin  
55 Prospect St.  
Amesbury, MA 01913

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 JUN 17 A 10: 14

Dear Office of the Newburyport City Clerk and Council,

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

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

Sincerely,

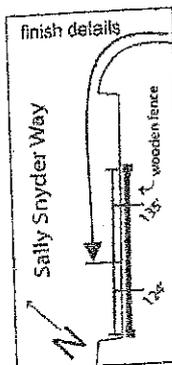
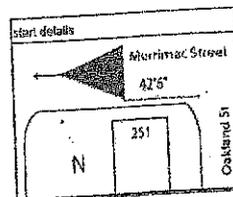
Eli Bailin

# GREEN Newburyport Half Marathon

## Stride Newburyport, MA

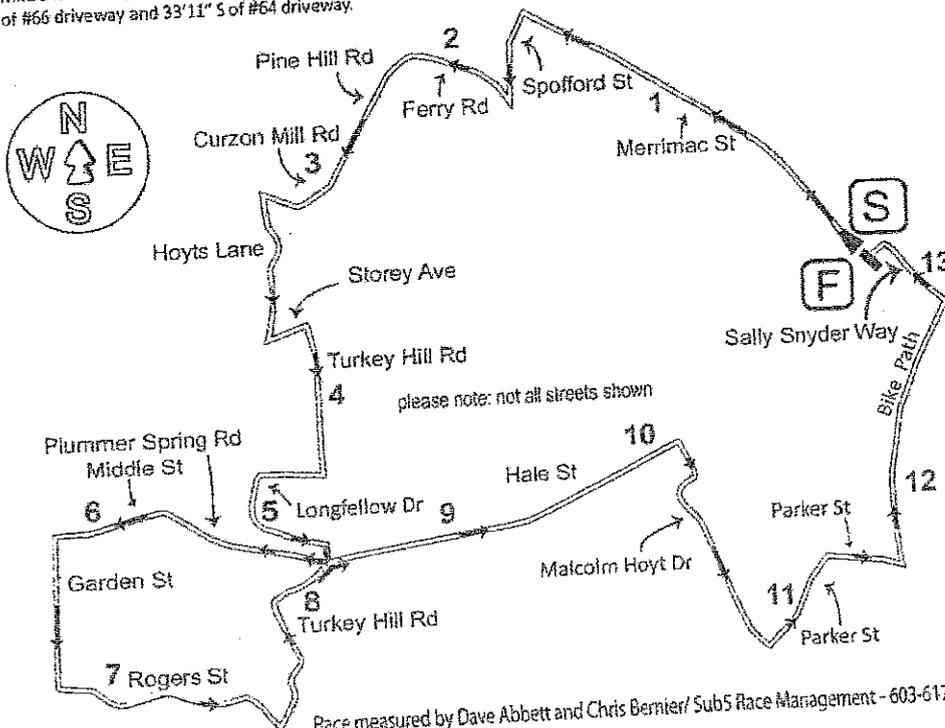
Start is located on Merrimac Street heading NW. It is located 42'6" NW of a bisecting line of the NW edge of Oakland St. in front of 251 Merrimac St. It is marked in white painted "S" with arrow and 3 p-k nails.  
 Mile 1 is on Merrimac St at the end of Moulton Street. It is located 6'8" NW of a sewer cap and 48'4" SE of another sewer cap. All mile markers are painted white with mile marker and a race direction arrow.  
 Mile 2 is on Ferry Road heading W. It is 71' W of UP#29.  
 Mile 3 is on Curzon Mill Rd heading W. It is 21'11" W of a bisecting line at W edge of Daniel Lucy Way and 96'10" E of end of a large rock wall.  
 Mile 4 is on Turkey Hill Rd heading S, and 78'6" S of UP#3/6  
 Mile 5 is on Longfellow Drive heading S, in front of 64 Longfellow Dr, and 35'7" N of #66 driveway and 33'11" S of #64 driveway.

Mile 6 is on Plummer Spring Rd, 50' W of UP2/131.  
 Mile 7 is on Rogers St. It is at the S edge of driveway #10.  
 Mile 8 is on Turkey Hill Rd 115'1" S of UP#6.  
 Mile 9 is on Hale St on bridge going over Interstate 95. It is 59'5" E of W edge of bridge and 248'2" W of E edge of bridge.  
 Mile 10 is on Hale St 16'2" E of UP#11.  
 Mile 11 is on Parker St 4'9" S of edge of road curb, it is just north of Malcolm Hoyt corner.  
 Mile 12 is on bike path with S entrance at Parker St. It is 1584' N of wooden pergola.  
 Mile 13 is on Sally Snyder Way 55'2" NE of S edge of parking lot and 55' SE of N edge of parking lot.  
 Finish is on Sally Snyder Way and on N side of Cashman Park 135' S of N end and 124' N of S end of sturdy wooden fence



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

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



Race measured by Dave Abbett and Chris Bernier/ Sub5 Race Management - 603-617-8509 dave.abbett@gmail.com/Monday, October 8, 2012



## Road Running Technical Council USA Track & Field Measurement Certificate



Name of the course Green Stride Newburyport Half Marathon Distance 21.0975 km  
 Location (state) MA (city) Newburyport  
 Type of course: road race  calibration  track  Configuration: loop  
 Type of surface: paved 100 % dirt 0 % gravel 0 % grass 0 % track 0 %  
 Elevation (feet above sea level) Start 20 Finish 3 Highest 102 Lowest 3  
 Straight line distance between start & finish 0.15 mi. Drop 0.25 m/km Separation 1.14 %  
 Measured by (name, address, phone & e-mail) Dave Abbett, 29 Ledgerview Dr.,  
Newburyport, MA 02829, phone: 603 617 8509, email: dave.abbett@gmail.com

ps

**Proposal**  
**Newburyport River Run ½ Marathon and 5k**  
Julie Bokar/Jeanne Carter  
Fuel Training Studio  
jj@fueltrainingstudio.com  
75 Merrimac St.  
Newburyport, MA 01950  
Julie 617.694.5489  
Jeanne 978.270.0020

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

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

**13.1 Mile Route:**

Race begins on Merrimac st. in front of the North End Boat Club.

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

**5 Mile Route:**

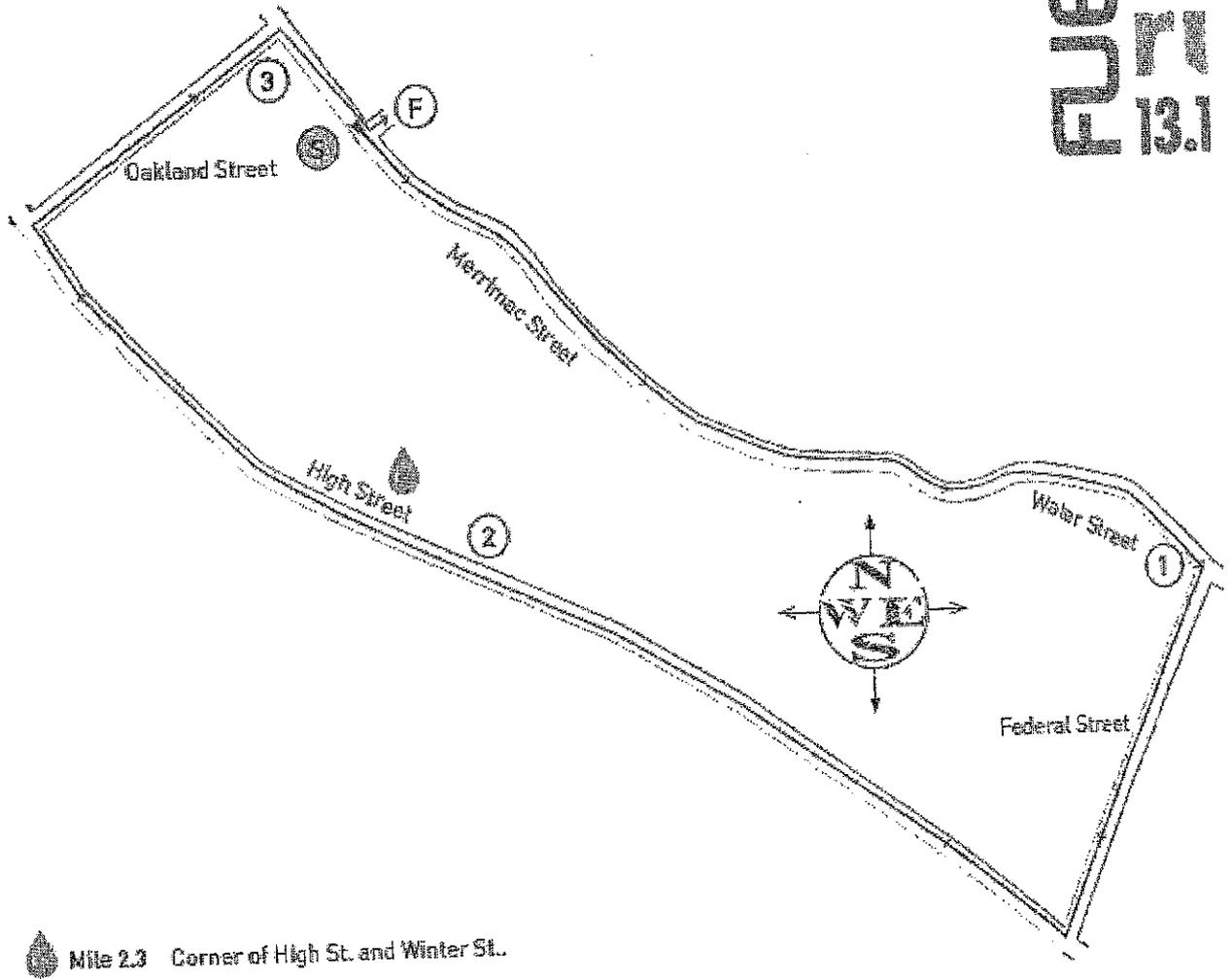
Race would begin in the same spot as the 13.1 route.

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

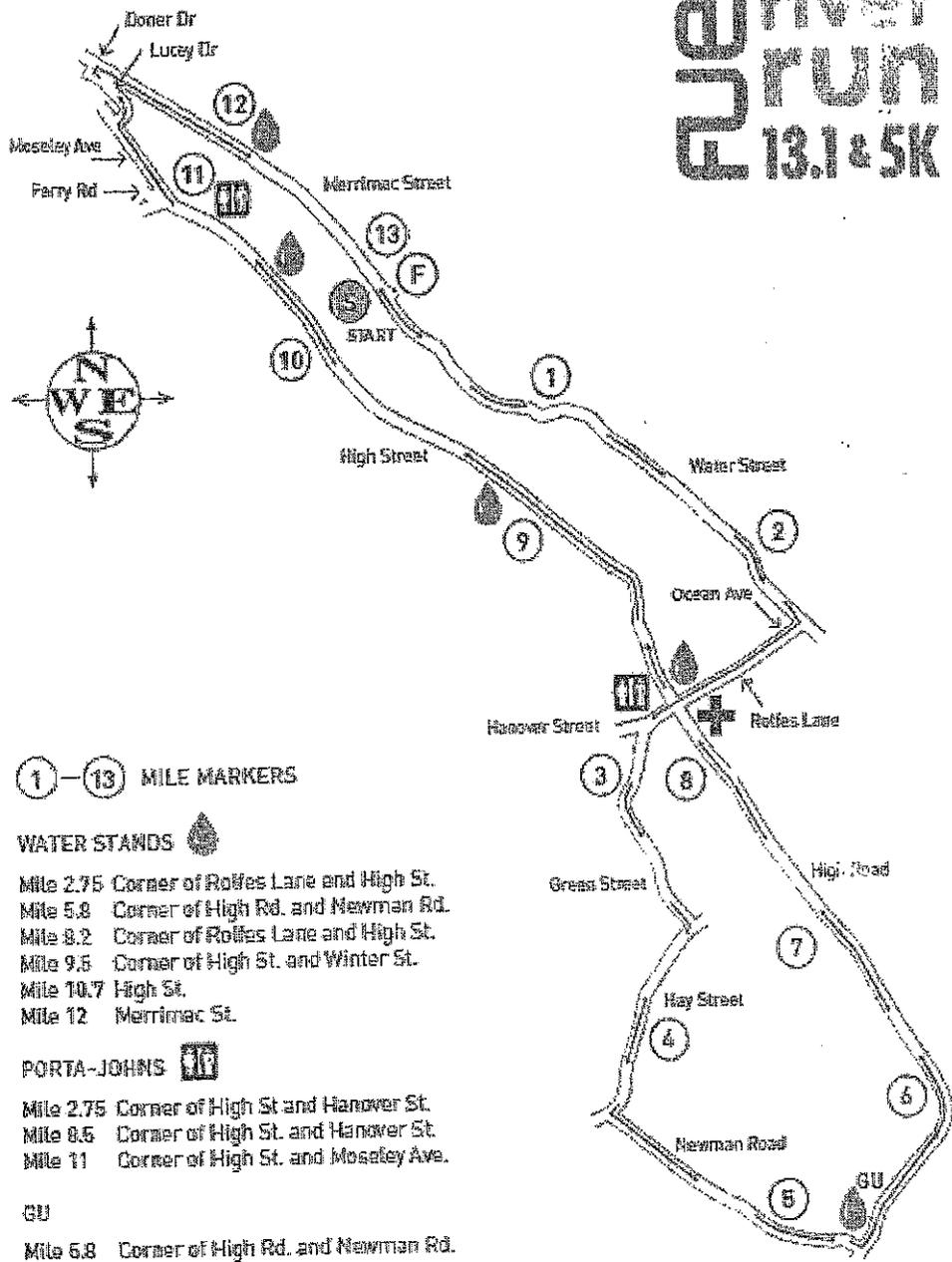
Lynn Varney

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

newb  
J  
E  
13.1



newburyport  
**river  
 run**  
 13.1 & 5K



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

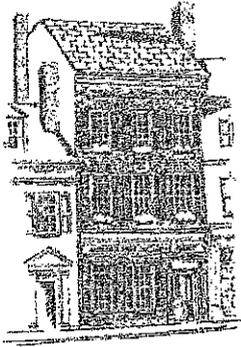
Hi Julie-

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

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

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

Lynn Kinsella Varney



## Arthur S. Page Insurance

57 State Street · PO Box 391  
Newburyport MA 01950

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

[www.ArthurPage.com](http://www.ArthurPage.com)

June 17, 2014

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

Dear City of Newburyport,

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

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

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

Sincerely,

Jacqueline Page  
[Jackie@arthurpage.com](mailto:Jackie@arthurpage.com)

Rochester MA 03897; phone: 603-617-8307; email: dave.abel@legall.com  
Race contact (name, address & phone) Eli Bailin, 22 Prospect St, Amesbury MA 01913-1615;  
phone: 978-270-2026

Measuring Methods: bicycle  steel tape  electronic distance meter   
Number of measurements of entire course: 2 Date(s) when course measured: Oct 8, 2012  
Race date: Oct 21, 2012 Course certification effective date: Oct 17, 2012  
Replaces: \_\_\_\_\_ (if applicable) Certification code: MA12038JK

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

## Be It Officially Noted That

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

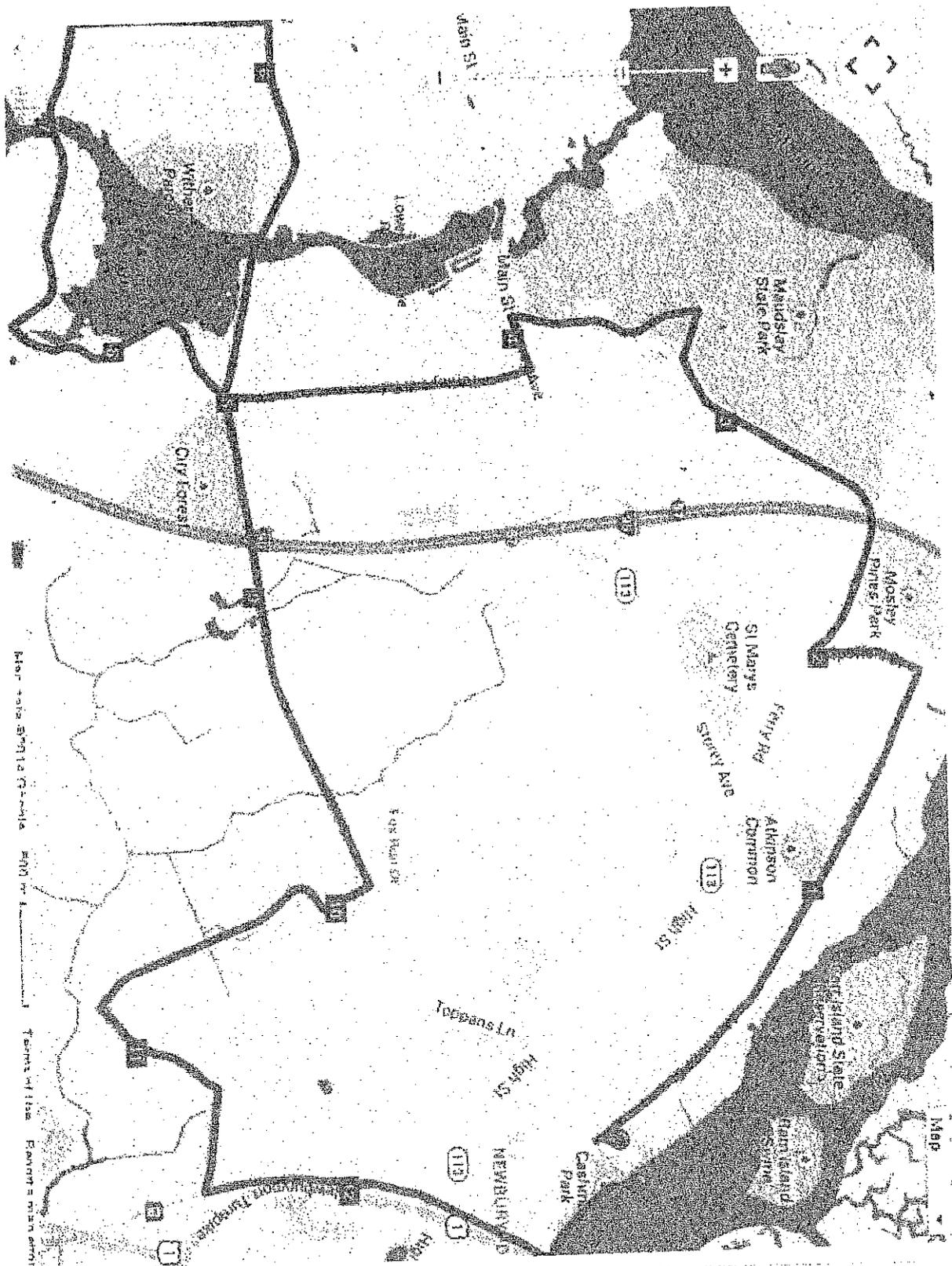
*Validation of Course* — In the event a National Open Record is set on this course, or at the discretion of USA Track & Field, a validation remeasurement may be required to be performed by a member of the Road Running Technical Council. If such a remeasurement shows the course to be short, then all pending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

This certification expires on December 31 in the year 2022

AS NATIONALLY CERTIFIED BY:



Justin Kuo • USATF/RRTC National Certifier • 39 Oakland Road, Brookline, MA 02445-6700  
Phone: 617-731-9889 • Fax: 617-939-0992 • Email: jkuo@usatfne.org  
Date: Oct 18, 2012



Map scale 1:50,000  
 Map scale 1:50,000  
 Map scale 1:50,000

Map



RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 JUL 14 P 2:07

July 14, 2014

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

Dear Mr. O'Brien and City Council Members,

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

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

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

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

Thank you for your consideration.

Sincerely,

Maddie Dahn  
Cc: Richard B. Jones, City Clerk

enclosure



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

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



***Who:***

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

***What:***

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

***When & Where:***

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

***Why:***

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

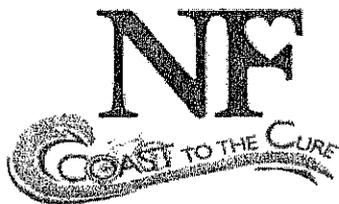
This school year, we are partnering with Sport in Society, at Northeastern University Center, to offer it's nationally recognized program, Mentors in Violence Prevention (MVP). Our new Bystander Education Program that will be offered to boys and girls in four local area school districts free of charge,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

***Sponsorship Levels:***

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

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

For more information contact: Kelly Majewski ~ 978-465-0999 ~ [kmajewski@jeannegeigercrisiscenter.org](mailto:kmajewski@jeannegeigercrisiscenter.org)



## Neurofibromatosis Northeast

9 Bedford Street ~ Burlington, MA 01803

781-272-9936 ~ info@nfincne.org

www.nfincne.org

Communication #6

Aug. 11, 2014

PS Committee  
Don Buttrick  
Kevin McKelvey  
Co-Chairpersons

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 JUL 17 P 4:08

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

March 17, 2014

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

Dear Bob,

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

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

The route through Newburyport involves the following roads:

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

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

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

Thanks so much for your consideration.

Sincerely,

Sonja Nathan  
Director of Special Events

Neurofibromatosis Northeast is a 501(c)(3) tax-exempt organization

An advocate for NF patients and families since 1988

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 11, 2014

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

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

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

*Amend:*

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

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

Councillor Robert J. Cronin

Refer  
PS  
RC/ARC

PS

**INTERMUNICIPAL AGREEMENT**  
**HARBOR MASTER SERVICES**

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

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

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

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

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

**I. Definitions**

- a. "Sending Department" shall mean the municipality sending harbormaster aid and assistance to a participating municipality.
- b. "Requesting Department" shall mean the municipality requesting and receiving harbormaster aid and assistance from a participating municipality.
- c. "Mutual Aid" shall mean the provision of manpower and logistical support requested by a harbormaster department to meet its immediate requirements when its then-available resources are not sufficient to cope with existing circumstances.
- d. "Harbormaster-in-Charge" shall mean the harbormaster having been designated with command authority during a particular shift.

**II. General Services and Jurisdiction**

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

- When involved in a fresh and/or immediate investigative inquiry or action initiated from an observation or incident within the territorial and jurisdictional boundaries of the harbormaster's municipality;
- When enforcing or investigating any water-related incident or violation (Civil or Criminal) that originally occurred within the territorial and jurisdictional boundaries of the harbormaster's municipality;
- When services have been requested by the Harbormaster-in-Charge of one of the signatory municipalities and thereafter authorized by the Harbormaster-in-Charge of the of the Sending Department;
- During any other "Fresh Pursuit" or "Exigent Circumstance" authorized by existing law.

### **III. Requesting Aid**

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

- a. The Requesting Department's Harbormaster- in-Charge shall contact the Sending Department's Harbormaster- in-Charge to request aid for a particular period of time.
- b. The request shall state the nature of the assistance sought.
- c. Requests shall be made with sufficient advance notice.
- d. The Sending Department's Harbormaster- in-Charge may authorize the provision of one or more harbormasters based upon the resources of the Sending Department.
- e. Nothing in this Agreement shall be construed as imposing an obligation upon any signatory municipality to respond to a request for harbormaster services or provide Mutual Aid. The extent of assistance to be furnished under this Agreement shall be determined solely by the Sending Department, and it is understood and agreed that the assistance furnished may be recalled at the sole discretion of the Sending Department.

### **IV. Powers of Harbormasters**

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

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

**V. Liability and Immunity**

- a. Each department shall be liable for all salaries of its personnel while rendering harbormaster services under this Agreement. All compensation and other benefits enjoyed by harbormasters in their own jurisdictions shall be extended to the services they perform under this Agreement. Thus, such items as medical and death benefits, payable as a result of exercising assistance under this Agreement, will be the expense of the officer's own Department.
- b. Harbormasters injured or killed while responding to or furnishing harbormaster services to another community pursuant to this Agreement shall be considered to be on active duty for his or her own department. Thus, all compensation, responsibility and liability will be of the officer's own department.
- c. Each party to this Agreement shall waive against any and all other parties hereto any and all claims which may arise out of the activities of responding harbormasters of each party while rendering or receiving harbormaster services, except for intentional injuries and acts outside the harbormaster authority.
- d. All immunities from liability enjoyed by each signatory municipality within its own jurisdiction shall extend to its participation in rendering mutual harbormaster assistance under this Agreement outside its boundaries to the extent authorized by law.

**VI. Liability to Third Parties**

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

## VII. Term

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

## VIII. Miscellaneous

- a. Entire Agreement. The terms, together with any attachments referenced herein, shall constitute the entire agreement among the Parties and shall supersede all previous communications, representations, or agreements, either oral or written among the Parties with respect to the subject matter.
- b. Amendment. This Agreement may only be amended or modified by written document signed by the Mayor and majority of the City Council in Newburyport, the Mayor and majority of the City Council in Amesbury, and the Town Manager and Board of Selectmen in Salisbury.
- a. Fiscal Year. The term Fiscal Year hereunder shall be as that term is defined by Massachusetts Governmental law.
- b. Governing Law. This Agreement shall be governed in accordance with the laws of the Commonwealth of Massachusetts and any dispute hereunder shall be directed to the appropriate court within Essex County.
- c. Severability. If any provision, section, phrase or word contained herein is determined by a court of competent jurisdiction to be unenforceable, for any reason, or beyond the scope of the statutory provisions of Chapter 40, Section 4A of the General Laws, as amended, then it is the intention of the parties that, for public purposes, the remaining provisions thereof shall continue in full force and effect.

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

CITY OF NEWBURYPORT  
By its City Council

TOWN OF SALISBURY  
By its Board of Selectmen

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\_\_\_\_\_

and its Mayor

\_\_\_\_\_  
Donna D. Holaday

CITY OF AMESBURY  
BY its City Council

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and its Mayor

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Ken Gray

502698

<dkasbm15@comcast.net>, "Warnat Jim" <jwarnat@aol.com>, "Wolf Mary" <turtleredwolf@verizon.com>, "William Woodbury" <william.woodbury@verizon.net>, "Bob Bracey" <BBracey@cityofnewburyport.com>, "Donna HOLA" <O'Connor Ives, Kathleen (SEN)" <kathleen.oconnorives@masenate.gov>, "Klein, Hailey (SEN)" <hailey@dep.state.ma.us>, "Richard Spicler" <Richard.Spicler@massmail.state.ma.us>, "Eric Worrall" <Eric.Worrall@massmail.state.ma.us>, "Larry Giunta" <Larry.Giunta12@gmail.com>

Late File Communication #13

Cc:

Crow Lane Landfill Update — July 22, 2014

This update is being provided by MassDEP concerning the closure activities that are currently underway at the Crow Lane Landfill.

In addition to this email update, correspondence and reports are posted on the MassDEP Northeast Region website at: <http://www.mass.gov/eea/agencies/massdep/about/contacts/crow-lane-landfill-newburyport-monitoring-reports-data.html>. Please send your questions, comments and suggestions to: [crowlane.information@massmail.state.ma.us](mailto:crowlane.information@massmail.state.ma.us).

Landfill Gas System Operation

Since the installation of the new induction fan motor on June 6, 2014, MassDEP and Shaw personnel have observed continuing outages of the landfill gas flare. As a result of these inspections, MassDEP issued a 72-hour notice to New Ventures on June 26, 2014. The 72-hour notice required immediate action by New Ventures to repair and restore the landfill gas flare and landfill cap to its approved design and operating specifications as per the Final Court Judgment.

New Ventures provided a written response to MassDEP on July 10, 2014, concerning the 72-hour notice. A copy of New Ventures response is provided with today's update. Despite the measures that New Ventures asserts (in its July 10, 2014 letter) to have taken, MassDEP and Shaw personnel have observed during subsequent inspections that the landfill gas flare was not operating. In addition, other corrective actions have not been taken or completed, such as follow-up to the landfill gas odor scan conducted on May 6, 2014.

LG/SHK  
VJK

New Ventures' consultant has not conducted a recent inspection of the flare to determine the cause(s) of the continuing outages in order to repair and restore the Landfill Gas System to operation in compliance with the Final Judgment.

MassDEP continues its efforts to have New Ventures restore the Landfill Gas System, including the flare, to operate in compliance with the Final Judgment.

### Recent Odor Complaints

MassDEP received multiple complaints of the occurrence of odors on July 20, 2014, in the area of the Landfill. During this time period, the flare was not operating.

In response to the odor reports, MassDEP inspected the site during the morning of July 21, 2014. At the time of the inspection, the landfill gas flare was not operating. The inspector detected a slight to moderate landfill gas odor on top of the landfill near several of the landfill gas wells and at the flare, but did not detect odors around the perimeter of the landfill or next door at the Town's compost facility. Review of meteorological data indicated that the wind for the past several days was from the north/northeast towards the neighborhood to the south of the Landfill.

MassDEP also dispatched Shaw personnel to the Landfill to inspect the landfill gas flare, monitor the Landfill for the occurrence of hydrogen sulfide and odors, and download the data from the air monitoring station on Charmanski Drive. Shaw reported to MassDEP that, during the evening of July 19<sup>th</sup> through the morning of July 20, 2014, the meter malfunctioned and was not properly collecting data. Shaw personnel consulted the equipment manufacturer and Shaw has now reactivated the meter.

Previously, on May 6, 2014, New Ventures, MassDEP, Shaw and SITEC were onsite to investigate the landfill gas odors that have been detected periodically on top of the landfill when the landfill gas flare was not operating. New Ventures and its consultant SITEC have represented that

SITEC is developing an action plan to pin-point the actual source(s) of the odor and a plan to repair any leak(s) and the landfill cap, if necessary, in those areas. To date, New Ventures has not submitted such a plan to MassDEP.

#### Department Oversight

The Department and/or Shaw personnel are currently monitoring the landfill on a regular basis. MassDEP and/or Shaw personnel are scheduled to be at the Landfill several times per week. MassDEP and Shaw will also be onsite for any jointly scheduled activities with Blue Granite, SITEC and/or New Ventures.

MassDEP has recently updated Mayor Holaday, Senator O'Connor-Ives and Representative Costello to inform them of the status of the landfill closure process.

Real-time emails to the Crow Lane Information mailbox regarding any perceived odors or issues at or near the Landfill may allow us to deploy inspectors real-time, and are much appreciated.

**PUBLIC UTILITIES**



CITY OF NEWBURYPORT  
STORMWATER ADVISORY COMMITTEE

CITY HALL  
60 PLEASANT STREET  
NEWBURYPORT, MA 01950

Communication #4  
May 12, 2014

pu

May 5, 2014

TO: City Council President and City Councilors  
FROM: Stormwater Advisory Committee  
SUBJECT: Federal and State Stormwater Permitting Requirements  
**STATUS UPDATE**

History

The Clean Water Act authorizes the EPA to regulate point sources that discharge pollutants into waters of the United States through the National Pollutant Discharge Elimination System (NPDES) permit program. So-called "point sources" are generated from a variety of municipal and industrial operations, including treated wastewater, process water, cooling water, and stormwater runoff from drainage systems. The point source discussed herein is relative to stormwater runoff.

Stormwater runoff is commonly transported through Municipal Separate Storm Sewer Systems (MS4s) and is often discharged *untreated* into local waterbodies. To prevent harmful pollutants from reaching these waterbodies, MS4 operators must obtain a NPDES permit and develop a stormwater management program to prevent untreated runoff from entering our waterbodies.

NPDES MS4 Phase I Permit was issued in 1990 and requires medium and large cities or certain counties with populations of 100,000 or more to obtain NPDES permit coverage for their stormwater discharges. There are approximately 750 Phase I MS4s in the US.

NPDES MS4 Phase II Permit was issued in 1999 and requires small cities, towns, and urbanized areas to obtain NPDES permit coverage for their stormwater discharges. There are approximately 6,700 Phase II MS4s in the US. Newburyport falls under the Phase II Permit. Each regulated MS4 is required to develop and implement a stormwater management program (SWMP) to reduce the contamination of stormwater runoff and prohibit illicit discharges.

Phase II Permit

The current Phase II Permit was effective on May 1, 2003, which permitted and authorized discharges for five (5) years. It expired at midnight on April 31, 2008. However, the EPA has not issued a new permit and Massachusetts has been waiting for the new Draft Permit to be issued for public review. We have been told for the past several years that the draft permit will be disseminated for public comment "sometime this year". In the meantime, MS4s are being directed to comply with the Regulations as stated in the aforementioned Permit effective May 1, 2003.