

CITY COUNCIL MEETING AGENDA - VERSION 1
CITY COUNCIL CHAMBERS
JANUARY 9, 2017

7:30PM

(Sound Check)

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
 1. Election of Council President
 2. Committee Assignments (to be announced)
 3. **COMM007_01_09_17** 2017 City Council Schedule
 4. **COMM008_01_09_17** 2017 City Council Rules
- 4. LATE FILE ITEMS Mayor's Update**
- 5. PUBLIC COMMENT**
- 6. MAYOR'S COMMENT**

CONSENT AGENDA

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

7. APPROVAL OF MINUTES

December 12, 2016

(Approve)

8. TRANSFERS

- **NONE**

9. COMMUNICATIONS

- **COMM001_01_09_17** Spring Fever 5K & Family Fun Run (PS)
- **COMM002_01_09_17** 2016 River Valley Charter School Report Card (R&F)
- **COMM003_01_09_17** Whittier VoTech Annual Operational Report (R&F)
- **COMM004_01_09_17** PERAC Appropriation for FY18 (R&F)
- **COMM005_01_09_17** LCA Motors Class II Vehicle License (L&P)
- **COMM006_01_09_17** State Automotive Class II Vehicle License (L&P)
- **COMM009_01_09_17** Pole Hearing 1/30/17 – Willow Ave (PU)

10. APPOINTMENTS

- **APPT001_01_09_17** Ann M. Gardner 239 Water St Planning Board 05/31/2019

Re-Appointments

- **APPT002_01_09_17** Ethan R. Manning 31 Howard St Auditor 02/01/2020

**END OF CONSENT AGENDA
REGULAR AGENDA**

11. MAYOR'S UPDATE

12. APPOINTMENTS

- | | | | | |
|---------------------------------------------------------------------------|-----------|---------------------------------------|------------------|------------|
| <ul style="list-style-type: none">• APPT079_12_12_16 | Dan Mello | Second Reading
2B Fulton St | Waterfront Trust | 12/31/2021 |
|---------------------------------------------------------------------------|-----------|---------------------------------------|------------------|------------|

13. ORDERS

- **ORDR001_01_09_17** Newburyport Five Cent Richard A. Eaton Baseball Field \$100,000 Gift Acceptance

14. ORDINANCES

- **NONE**

14. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR002_01_25_16** Accept Gift of \$25,000 Repairing Brown's Wharf Culvert (COTW)
- **ORDR009_02_08_16** Increase Fees for Fire Dept.
- **ORDR010_02_08_16** Increase Fines Parking Violations
- **ORDR039_05_31_16** Increase Hourly Parking Rate to \$1.50
- **ORDR079_09_26_16** Movie Location Order /(L&P)
- **ORDR080_09_26_16** LATE FILE Order of Taking Parking Facility/(P&D)
- **TRAN031_12_12_16** Budget Contingency (38,919.76) to SAL Deputy Chief (5,427.33), SAL Firefighters (33,492.43)
- **TRAN032_12_12_16** Longevity (7,270.47) to SAL Firefighters (7,270.47)
- **TRAN033_12_12_16** General Fund - Free Cash (21,908) to Compensated Absences (21,908)
- **COMM110_12_12_16** Newburyport High School Roof/ (JE)
- **ORDR093_12_12_16** Odor Control Loan Order \$800,000/(PU)
- **ORDR094_12_12_16** Resolution on Funding Capital from Operating Budget

General Government

In Committee:

-

Joint Education

In Committee:

- **COMM110_12_12_16** Newburyport High School Roof/(B&F)

License & Permits

In Committee:

- **COMM010_01_25_16** Licensing Commission Acoustic & Amplified Entertainment

- ODNC011_05_31_16 Amend Transient Vendors for Cashman (COTW)
- ODNC013_07_11_16 Amend Outdoor Seating (Two Year Renewals)
- ORDR079_09_26_16 Movie Location Order/(B&F)
- COMM077_08_08_16 Communications re: Seacoast Taxi

Neighborhoods and City Services

In Committee:

- ODNC001_01_11_16 Amend Ch11 Parks and Recreation (COTW)
- ORDR048_06_13_16 Sidewalk Order
- COMM099_10_31_16 Proposed Improvement in Our Scenic Byway

Planning & Development

In Committee:

- COMM020_02_08_16 Memo re: Hiring Process for Building Commissioner
- COMM076_07_11_16 **LATE FILE** Boyd Drive Petition
- ORDR080_09_26_16 **LATE FILE** Order of Taking Parking Facility/(B&F)
- COMM091_10_11_16 Ltr to Council from J. Sweet on ZBA
- COMM096_10_31_16 Draft of Newburyport's Master Plan
- ORDR089_11_28_16 Order of Taking - 223 High St
- COMM114_12_12_16 Memo on Master Plan - Work Plan and Appendix XX

Public Safety

In Committee:

- ODNC015_08_29_16 25 MPH Speed Zones
- ORDR077_09_12_16 Parking Restricted on Daniel Lucy Way
- COMM098_10_31_16 Use of Streets for "Most Pine Boards Broken in One Minute"
- COMM101_11_14_16 Walk MS Newburyport on 4/1/2017
- ORDR086_11_28_16 Stop Signs for Chestnut St and Oak St
- COMM113_12_12_16 Snow and Ice Plan 2016-2017
- ORDR090_12_12_16 Parking Restriction – High St at Ashland St
- ORDR091_12_12_16 Parking Restriction - Howard St at Chapel St
- ORDR092_12_12_16 Stop Sign – Howard St at Chapel St

Public Utilities

In Committee:

- COMM060_05_31_16 Mobilitie, LLC Highway Access Permit
- ORDR093_12_12_16 Odor Control Loan Order \$800,000/(B&F)

Rules Committee

In Committee:

15. GOOD OF THE ORDER

16. EXECUTIVE SESSION

17. ADJOURNMENT

2017**City Council Meeting 7:30 PM in the Council Chambers, City Hall.**

January 09, 2017

January 30, 2017

February 13, 2017

February 27, 2017

March 13, 2017

March 28, 2017 **Tuesday**

April 10, 2017

April, 24, 2017

May 08, 2017

May 30, 2017 **Tuesday****Monday (May 29 , 2017 –Memorial Day)**

June 12, 2017

June 26, 2017

July 10, 2017

August 14, 2017

August 28, 2017

September 11, 2017

September 25, 2017

October 10, 2017 - **Tuesday**

October 30, 2017-

Monday (October 09, 2017–Columbus Day)

November 13, 2017

November 27, 2017

December 11, 2017

**RULES OF THE CITY COUNCIL OF THE CITY OF NEWBURYPORT
2017
ORGANIZATION**

Rule 1. At the organizational meeting following the regular municipal election, the City Clerk shall preside until the President has been elected by the membership.

Thereafter, each year the City Council shall, by majority vote of all members elected, elect a President from within its membership at the first meeting in January of that session.

Within the first 30 days of each year of a City Council session, the members of the Council shall vote its Rules and Regulations and its annual calendar.

REGULAR MEETINGS

Rule 2. City Council meetings shall be held in the Council Chamber of City Hall unless, the President, or a majority of the Council determine that such meeting be held in an alternate location.

If a scheduled meeting of the City Council is in session until 11:00 pm, said meeting shall be adjourned until 7:30 pm of the following evening, unless another date and time is voted by a majority of the Council.

HOLIDAYS

Rule 3. Except as otherwise provided in the City Charter, whenever the day set by these rules for any meeting of the City Council shall fall upon a holiday, then such meeting may be canceled or postponed to a date certain by majority vote of the Council.

PRESIDING OFFICER

Rule 4. The President, if present, shall preside at all meetings. In the absence of the President, the senior most member in terms of consecutive service shall serve during the absence of the President. If more than one member has served the same length of time the Council shall elect a President Pro Tem by majority vote from the most senior Councillors in consecutive service.

DUTIES OF THE PRESIDING OFFICER

Rule 5. The presiding officer shall; preserve decorum and order; speak to points of order in preference to other members; decide all questions of order, subject to appeal; declare all votes. If any member doubts the vote, the presiding officer without further debate on the question, shall require that a count be taken by roll call of the membership.

The presiding officer may call for a 5-minute recess without a vote during any regular meeting.

RELINQUISHING THE CHAIR

Rule 6. When the presiding officer desires to relinquish the Chair, he may call upon any Councillor to replace him, but such call to the Chair shall not continue beyond the will of the presiding officer so relinquishing the Chair or beyond an adjournment, except as hereafter provided.

If the presiding officer wishes to express an opinion on the any subject under debate, he shall relinquish the Chair as above provided and shall not resume the Chair until he is through speaking and all points of order arising therefrom have been decided.

Notwithstanding the previous two paragraphs, the presiding officer may, however, state facts and give opinions upon questions of order without relinquishing the Chair.

COMMITTEES

Rule 7. The President shall appoint all City Council committees (standing, special and ad hoc), designate the chair of all committees and fill any vacancies thereof.

Committee meetings shall be regularly held on the last Monday of every month 1-hour prior to the start of the regularly scheduled meeting in the Council Chamber.

City Council committee meetings scheduled for 6:30 pm the evening of the last City Council meeting of the month should be used for the purpose of clarification of information from previous meetings and/or to deal with time sensitive requests only.

Committees may also meet at any time, subject to the Massachusetts General Laws and the City Charter.

Committees shall meet and review any agenda item referred to the committee within fourteen (14) days of referral.

City Council Committee meeting will be cancelled when scheduled during the period of time when a snow emergency is declared.

REMOVING AN ITEM FROM COMMITTEE

Rule 7A. Whenever any item of business duly referred to a Council Committee has not been acted upon within six weeks of that referral, a petition signed by two Councilor's shall be sufficient to bring that item directly to the floor under "New Business" at the next regularly scheduled meeting of the Council.

7B. The Chair or member of a committee may remove an item from that committee upon making a motion and receiving a second from any Councillor. Any Councillor may move to approve, not approve, or refer back to committee, an item on the floor for discussion.

Rule 7C. All items that are in committee at the end of the session shall die unless a majority of the Council votes to carry an item into the succeeding session.

SUFFICIENCY OF VOTE

Rule 8. The affirmative vote of a majority of the members present shall be sufficient to adjourn any meeting of the City Council.

MANNER OF VOTING

Rule 9. A vote to confirm appointments on a second reading to Boards or Commissions shall by roll call.

A vote on approval of an ordinance, for first and second reading, shall be by roll call. Amendments to the motion for approval to an ordinance may be recorded by voice vote.

At the first meeting of a two-year session of the City Council which requires a roll call vote or votes, the City Clerk shall begin the order of voting throughout the meeting with that Councillor whose last name is first in alphabetical order. At each successive meeting which shall require a roll call vote or votes, the City Clerk shall begin roll calls throughout that meeting with the Councillor whose last name follows the previous Councillor in alphabetical order until the last meeting of the session. The Council President shall continue to vote last.

In the event a member wishes to have his vote recorded differently after announcement of the results of a roll call vote by the Chair, the member must receive unanimous consent from the remaining present members of the Council.

Rule 9A. Motion to table or postpone indefinitely once seconded are not debatable, but clarifying points of information will be allowed for the purpose of understanding the effects of tabling.

GAINING THE FLOOR

Rule 10. All Councillors, when desiring to speak on a matter before the Council, shall raise their hands and respectfully address the Chair, and wait until recognized.

Once recognized by the Chair the Councillor shall stand to speak on the matter. Councillors shall remain standing while speaking. Councillors shall sit down to indicate to the Chair the conclusion of the Councillor's speech.

All Councillors are allowed to speak a second time on an issue only after each Councillor has the opportunity to speak once.

In speaking, members shall confine themselves to the issue on the floor, shall use parliamentary language and appropriate demeanor at all times, and generally shall avoid

the use of first names and refer to other members as either the Councillor from a particular ward or the At-Large Councillor, or as the Chair of a particular Committee.

No member shall leave a City Council meeting while in session to seek counsel, information or to conduct any other city business.

The City Council President shall have the responsibility and discretion for recognizing speakers other than Council members. Any member of the Council may request of the President recognition of a speaker other than a Council member.

SPONSORSHIP OF ORDERS, RESOLUTIONS, OR ORDINANCES

Rule 11. No order, resolution, or ordinance shall be placed on the agenda or acted upon unless sponsored by a member of the Council. Without sponsorship by a Councillor, the Mayor may not place an item on the agenda.

Rule 12. Ordinances submitted to the council must be received by the Council and submitted to the appropriate Council Committee. In the event that the sponsoring member of any order, resolution, or other matter is not present when the clerk reads the matter, the presiding officer shall instruct the Clerk to withdraw the matter from consideration at the meeting, unless the sponsoring Councillor has presented a written statement requesting the council to proceed on the matter presented.

WITHDRAWING ITEMS FROM THE AGENDA

Rule 13. After an order, resolution, or ordinance is stated or read by the City Clerk, it shall be deemed to be in possession of the City Council, and shall be disposed of by vote. The sponsor and, if applicable, all cosponsors may prior to a measure being in the possession of the Council, withdraw the measure by so informing the President or the Clerk.

RECONSIDERATION

Rule 14. After a vote has been taken, it shall be in order for any member voting with the prevailing side to move reconsideration thereof at the same meeting at which the vote was taken, or to file with the City Clerk, not later than noon of the next business day following such meeting, notice of a motion to reconsider such vote. After receiving such notification from a member, the Clerk shall place it on the agenda for the next regular meeting of the Council. When such a notice of reconsideration has been filed, the City Clerk shall forthwith, either verbally or in writing, notify all members of the City Council of such intention to reconsider.

DUTIES OF THE CLERK

Rule 15. The City Clerk shall attend and keep all records of all meetings of the Council, shall record the names of the members present, shall record the vote of members on roll calls, shall have the care and custody of the City records, and all documents, plans, and

papers pertaining to the business of the City Council. The Clerk shall also, at the request of the members, assist in the drafting of items to be presented at the meetings of the City Council. The Clerk shall cause notice to be made to each Councillor of each meeting, regular and special. All City Committee meetings shall be electronically posted to the city website 48 hours prior to commencement.

DEADLINE FOR AGENDA ITEMS

Rule 16. All written matters of whatever description which may require consideration by the City Council shall be presented in complete form to the City Clerk not later than 4:00 pm on the Tuesday preceding the next regular meeting, except when the Tuesday is a holiday, they must be presented to the Clerk the Monday prior. Pursuant to this rule, Committee Chairs shall submit to the City Clerk the text of any items being removed from committee at the next regular City Council meeting. Papers presented after that time shall be considered late file items and will not be taken up without a suspension of the rules, which requires a super-majority vote of the Council.

CLERK SHALL PREPARE AGENDA

Rule 17. The City Clerk in consultation with the President shall compile an agenda comprised of all written matters to come before the Council at each meeting in accordance with the order of business below, and shall make available such list in printed form by 12 noon of the Wednesday preceding such meeting. Said agenda and compilation of written materials shall be referred to as the "packet." The City Clerk shall cause the packet to be delivered to each Councillor by their individual preferred means.

Items that are to be added to the agenda as late file items must be submitted for approval to be placed on the agenda following the approval of the minutes and prior to communications.

The order of business for the agenda shall be as follows:

1. Opening Prayer
2. Pledge of Allegiance
3. Call to Order
4. Late File Items
5. Public Comment
6. Mayors Comment
7. Consent Agenda
 - a) Approval of Minutes
 - b) Transfers
 - c) Communications
 - d) First Reading of Appointments
7. Mayor's Transfers
8. Communications
9. Second Reading of Mayor's Appointments
10. Orders
11. Ordinances

12. Committee Reports (Including the text of any item to be voted on)
13. Good of the Order
14. Adjournment

PUBLIC COMMENT

Rule 18. There shall be designated a public comment time during each meeting of the City Council. The procedure for this comment time is listed below:

1. Individuals who wish to speak before the Council; whether on their own behalf or on behalf of a group, must sign in on the door of the Council Chamber prior to the start of the Public Comment Segment of the meeting. Each individual must provide their name, address and indicate which agenda item they will be speaking on. Council President will advise attendees of their right to speak and responsibility to sign-up.
2. Two minutes allotted to each individual
3. One opportunity per individual to speak
4. Comment must be related to an agenda item

Rule 18a. There shall be established a designated time during each meeting of the City Council in which the Mayor may address the Council. The procedure for this is as follows:

1. Should the Mayor wish to speak before the Council; the Mayor shall provide notice prior to the meeting to the President of the Council.
 - 1.1 Prior Knowledge shall be defined as notice at any time prior to the President of the City Council calling the meeting to order.
2. Paragraph 1 of this rule may be waived by motion and with simple majority vote of the Council allowing the Mayor to speak during a meeting should the need arise.
3. The Mayor will be provided with a total five minute time allotment at the conclusion of Public Comment and prior to the Consent Agenda.
 - 3.1 This designated time must be related to agenda item(s)
 - 3.2 Nothing in this rule prohibits the City Council by majority to allow the Mayor further comment.
4. The Mayor will be offered reserve seating in the first row of the bench seating in Council Chambers

PRESENTATIONS

Rule 19. Presentations by individuals or groups need to be sponsored by a Councillor and placed on the communication segment of the agenda. Such presentation must be approved by a simple majority vote of the Council to allow the presentation to proceed.

MAYORAL APPOINTMENTS

Rule 20. Mayoral appointments will be received and filed by the Council at the meeting of their introduction to the Council. The appointments will be considered for confirmation or referred to a Committee of the Whole for further consideration at the next scheduled City Council meeting. All new appointments by the Mayor shall be accompanied by a resume of the appointee. Formal notice of the expiration of appointments shall be provided to the Council one month prior to the expiration of such appointments.

MID-YEAR BUDGET REVIEW

Rule 21. The Budget & Finance Committee shall conduct a mid-year budget review as soon as practical after six (6) months of actual expenditures are available in written form, but no later than February 15.

The Budget & Finance Committee shall schedule a meeting of the committee for the purpose of conducting the mid-year budget review. The City Auditor and City Treasurer shall attend. All members of the City Council shall be invited to attend.

Prior to the mid-year budget review, the City Auditor shall distribute documentation at least one (1) week in advance of said meeting depicting a year-to-date actual budget summary to all members of the City Council. Any member of the City Council may request that a Department Head be present at the mid-year review by notifying the Council President or Chairperson of the Budget & Finance Committee.

ELECTRONIC COMMUNICATION DEVICES

Rule 22. The use of cell phones, pagers and other electronic communication devices are strictly prohibited within the City Council Chambers while the Council is in session. Such items must be turned off upon entering any City Council Meeting or Hearing, provided however computers for the use of Council Documents are expressly excluded from this rule. Any person violating this rule shall be asked to leave the meeting. This notice is to be posted at the City Council entrance. Exceptions will only be allowed for on-duty public safety officers.

Rule 23. In all matters of parliamentary practice not provided for in these rules, the City Council shall use Robert's Rules of Order as a guide.

CITY OF NEWBURYPORT



IN CITY COUNCIL

July 23, 2012

ORDERED:

THAT, The CITY COUNCIL of the City of Newburyport hereby authorizes remote participation in meetings held by all City of Newburyport public bodies subject to the Open Meeting Law and pursuant to 940 CMR 29.10. For the purposes of this order, remote participation shall be permitted under the following terms and conditions:

Media: Telephone, internet, satellite enabled audio/video conferencing, or other similar technology may be used for remote participation provided that the participant and all in attendance can hear each other. If videoconferencing is used, the member participating remotely must be visible to all in attendance.

Quorum: A quorum of the public body, including the chair or, in the chair's absence, the person authorized to chair the meeting, must be physically present at the meeting location before an absent member may participate remotely.

Votes: If any member of the public body is participating remotely, all votes of the body, including those taken in open session, are required to be by roll call and the results of the roll must be recorded in the minutes.

Status: A member participating remotely may vote, and is not deemed to be absent from the meeting, including for purposes of MGL Chapter 39 Section 23D.

Reasons: Acceptable reasons for participating remotely include one or more of the following: personal illness, personal disability, emergency, military service or geographic distance. A member cannot participate remotely for convenience.

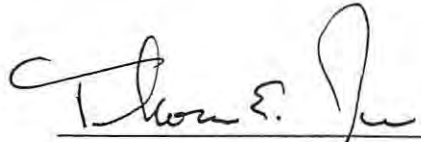
Notification: A member who will not be present at a meeting must notify the chair as far in advance as possible. The chair must announce at the beginning of the meeting the name of the person participating remotely and the reason. The categories listed above under Reasons may be used for this announcement such that a member's privacy rights are protected, especially with respect to illness or disability.

Technical Issues: If technical issues arise with the media connection, the chair must decide how to address them. Deliberations shall be suspended while the difficulties are addressed. If the remote member is disconnected during the meeting, the minutes must reflect this fact.

Use of Plans and Other Visuals: The chair or, in the chair's absence, the person authorized to chair the meeting, shall distribute to remote participants, in advance of the meeting, copies of all relevant documents, exhibits, and presentation materials used during the meeting. If a member of the public body is remotely participating in a public hearing relative to the issuance of any permit involving a site plan or architectural drawings, that member must utilize video conferencing such that all maps, plans or other presentation materials used or referenced during the meeting are visible. This requirement for video conferencing is not necessary where the member has already received a copy of all relevant maps, plans, or other presentation materials and no new materials are introduced during the meeting.

Executive Session: There shall be no remote participation in any executive session including, but not limited to, any vote to go into or out of said executive session.

FURTHER, any City of Newburyport public body utilizing remote participation is required to comply with all provisions of 940 CMR 29.10 as summarized above, as well as all other requirements of the Open Meeting Law and all of the Massachusetts Attorney General's Division of Open Government's regulations.

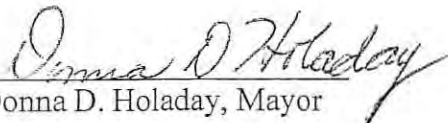

Councillor Thomas E. Jones

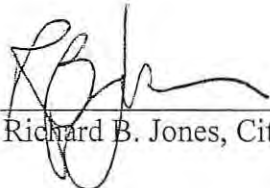
In City Council July 23, 2012

Motion to approve by Councillor Jones, seconded by Councillor Heartquist. Motion withdrawn. Motion to refer to General Government by Councillor Jones, seconded by Councillor Sullivan. So voted.

In City Council December 10, 2012

Motion to remove from committee by Councillor Cronin, seconded by Councillor Connell. Motion to approve by Councillor Cronin, seconded by Councillor Jones. So voted.

Approve: 
Donna D. Holaday, Mayor

Attest: 
Richard B. Jones, City Clerk

Date: JAN 30 2013

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 13, 2014

City Council Rules

Rule 8a. Except as otherwise provided by law, the affirmative vote of a majority or super majority, as may be required by law, of the full council shall be required to adopt any ordinance, order, motion or resolution.

A handwritten signature in black ink, appearing to read "Robert J. Cronin".

Councillor Robert J. Cronin
Rules Committee Chair

In City Council January 13, 2014

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

In City Council February 24, 2014

Motion to remove by Councillor Cronin, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Giunta. Motion to amend by Councillor Cronin, seconded by Councillor Eigerman. So voted. Motion to approve as amended by Councillor Cronin, seconded by Councillor Giunta. So voted.

Approve:

A handwritten signature in black ink, appearing to read "Donna D. Holaday".
Donna D. Holaday, Mayor

Attest:

A handwritten signature in black ink, appearing to read "Richard B. Jones".

Richard B. Jones, City Clerk

Date:

FEB 26 2014

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
DECEMBER 12, 2016

7:30PM

The City Council President, Thomas O'Brien, called the meeting to order at 7:30pm. The Pledge of Allegiance was recited. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Devlin, Earls, Eigerman, Giunta, Tontar, Vogel, Zeid, O'Brien. 11 present, 0 absent.

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS Mayor's Update, COMM111EP_12_12_16

Motion to waive the rules, to accept late files, by Councillor Vogel, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 no (Cronin). Motion passed.

5. PUBLIC COMMENT

1. Dan Mello

2B Fulton Street

WFT Appointee

2. John Powers

11 Warrenton Rd, Haverhill

Plum Autoworks

6. MAYOR'S COMMENT

The mayor gave an update pursuant to her written communication.

CONSENT AGENDA

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7. APPROVAL OF MINUTES

November 28, 2016

(Approve)

8. TRANSFERS

- **TRAN031_12_12_16** Budget Contingency (38,919.76) to SAL Deputy Chief (5,427.33), SAL Firefighters (33,492.43) (B&F)
- **TRAN032_12_12_16** Longevity (7,270.47) to SAL Firefighters (7,270.47) (B&F)
- **TRAN033_12_12_16** General Fund - Free Cash (21,908) to Compensated Absences (21,908) (B&F)

9. COMMUNICATIONS

- **COMM110_12_12_16** Newburyport High School Roof (B&F)(JtEd)
- **COMM113_12_12_16** Snow and Ice Plan 2016-2017 (PS)
- **COMM114_12_12_16** Memo on Master Plan - Work Plan and Appendix XX (P&D)

10. APPOINTMENTS

- **APPT079_12_12_16** Dan Mello 2B Fulton St Waterfront Trust 12/31/2021

END OF CONSENT AGENDA REGULAR AGENDA

Motion to approve the Consent Agenda as amended by Councillor Earls, seconded by Councillor Zeid. So voted.

11. MAYOR'S UPDATE

Motion to receive and file by Councillor Zeid, seconded by Councillor Connell. So voted.

12. TRANSFERS

- **TRAN030EP_12_12_16** EMERGENCY PREAMBLE Sewer Retained Earnings (80K) to Odor Control (80K)
Motion to waive rules, to take in one reading, by Councillor Connell, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Connell, seconded by Councillor Cameron. 10 yes, 1 present (Cronin). Motion passed.
- **TRAN030_12_12_16** Sewer Retained Earnings (80K) to Odor Control (80K)
Motion to approve by Councillor Connell, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion passed.

13. COMMUNICATIONS

- **COMM111EP_12_12_16 LATE FILE** Plum Autoworks
Motion to approve by Councillor Vogel, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 no (Cronin). Motion passed.
- **COMM111_12_12_16** Plum Autoworks, Inc. - Secondhand Vehicle License
Removed from Consent Agenda by Councillor Vogel. Motion to approve by Councillor Vogel, seconded by Councillor Connell. So voted.
- **COMM112_12_12_16** Interfaith Candle Lighting - Ahavas Achim – Dec. 24, 2016
Motion to approve the emergency preamble Councillor Zeid, seconded by Councillor Cameron, 10 yes, 1 present.
(Cronin). Motion to approve by Councillor Cameron, seconded by Councillor Tontar. 9 yes, 2 present, (Cronin), (Connell)

14. ORDERS

- **ORDR087_11_28_16** Resolution Girls' Soccer Team (**TABLED**)
Motion to remove, ORDR087_11_28_16 and ORDR088_11_28_16 collectively, from the table by Councillor Connell, seconded by Councillor Cronin. Motion to approve, ORDR087_11_28_16 and ORDR088_11_28_16 collectively, by Councillor Connell, seconded by Councillor Zeid. So voted.
- **ORDR088_11_28_16** Resolution Cross Country Team (**TABLED**)
Motion to remove, ORDR087_11_28_16 and ORDR088_11_28_16 collectively, from the table by Councillor Connell, seconded by Councillor Cronin. Motion to approve, ORDR087_11_28_16 and ORDR088_11_28_16 collectively, by Councillor Connell, seconded by Councillor Zeid. So voted.
- **ORDR090_12_12_16** Parking Restriction – High St at Ashland St
Motion to refer to Public Safety by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **ORDR091_12_12_16** Parking Restriction - Howard St at Chapel St
Motion to refer to Public Safety by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ORDR092_12_12_16** Stop Sign – Howard St at Chapel St
Motion to refer to Public Safety by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **ORDR093_12_12_16** Odor Control Loan Order \$800,000

Motion to refer to Budget & Finance and Public Utilities by Councillor Tontar, seconded by Councillor Zeid. So voted.

- **ORDR094_12_12_16** Resolution on Funding Capital from Operating Budget
Motion to refer to Budget & Finance by Councillor Zeid, seconded by Councillor Tontar. So voted.

15. ORDINANCES

- NONE

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

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

General Government

In Committee:

Joint Education

Councillor Giunta gave update for December 5th meeting with School Committee concerning crosswalks and public safety. Also discussed Coltin and Low St crossing guards, Budget forum with City Council and School Committee to be held on January 28th.

License & Permits

In Committee:

- **COMM010_01_25_16** Licensing Commission Acoustic & Amplified Entertainment
- **ODNC011_05_31_16** Amend Transient Vendors for Cashman (COTW)
- **ODNC013_07_11_16** Amend Outdoor Seating (Two Year Renewals)
- **ORDR079_09_26_16** Movie Location Order
- **COMM106_11_28_16** Families for Peace – Tables in Market Square on 1/20/17
Motion to remove from License & Permits by Councillor Vogel, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Vogel, seconded by Councillor Cameron. So voted.
- **COMM077_08_08_16** Communications re: Seacoast Taxi

Neighborhoods and City Services

In Committee:

- **ODNC001_01_11_16** Amend Ch11 Parks and Recreation (COTW)
- **ORDR048_06_13_16** Sidewalk Order
- **COMM099_10_31_16** Proposed Improvement in Our Scenic Byway

Planning & Development

In Committee:

- **COMM020_02_08_16** Memo re: Hiring Process for Building Commissioner
- **COMM076_07_11_16 LATE FILE** Boyd Drive Petition
- **ODNC014_08_08_16** Zoning Amend Sidewalks/Trees Sec XI-K et al
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Cameron, seconded by Councillor Tontar. Roll call vote, 4 yes, 7 no (EC, BC, JD, GE, JE, CT, BV). Motion failed.
- **ORDR080_09_26_16 LATE FILE** Order of Taking Parking Facility
- **COMM091_10_11_16** Ltr to Council from J. Sweet on ZBA
- **COMM096_10_31_16** Draft of Newburyport's Master Plan
- **ORDR089_11_28_16** Order of Taking - 223 High St

Public Safety

In Committee:

- **ODNC015_08_29_16** 25 MPH Speed Zones
- **ORDR077_09_12_16** Parking Restricted on Daniel Lucy Way
- **COMM098_10_31_16** Use of Streets for "Most Pine Boards Broken in One Minute"
- **COMM101_11_14_16** Walk MS Newburyport on 4/1/2017
- **ORDR085_11_28_16** Stop Sign Avon St & Alberta
Motion to remove Public Safety by Councillor Cronin, seconded by Councillor Cameron. So voted.
Motion to approve by Councillor Cronin, seconded by Councillor Cameron. So voted.
- **ORDR086_11_28_16** Stop Signs for Chestnut St and Oak St
- **COMM109_11_28_16 LATE FILE** Griffin Ct Block Party
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Zeid. So voted.
Motion to approve by Councillor Cronin, seconded by Councillor Zeid. So voted.

Public Utilities

In Committee:

- **COMM060_05_31_16** Mobilitie, LLC Highway Access Permit

Rules Committee

In Committee:

17. GOOD OF THE ORDER

Councillor Cronin –Lack of notification at gas station on Kent Street. On a pile driving project there should be notice to the abutting residents.

18. EXECUTIVE SESSION

Motion to go into executive session, to discuss litigation...by Councillor Zeid, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 present (JD). The Council President stated the Council would not come back into session. 8:52PM

19. ADJOURNMENT

Motion to come out of executive session by Councillor Cameron, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion to adjourn by Councillor Cameron, seconded by Councillor Zeid. So voted.

TRANSFERS

COMMUNICATIONS

NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

(For Parades, Road Races and Walkathons Only - Please complete page 3 of this application)

NAME OF EVENT: Spring Fever 5K and Family Fun RunDate: 4/9/17 Time: from 8 a.m. to 12:00 pmRain Date: N/A Time: from _____ to _____2. Location: Bresnahan Elementary School3. Description of Property: Front driveway and bus turn around Public ☒ Private ☐4. Name of Organizer: Erin LaRosa City Sponsored Event: Yes ☐ No ☒

Contact Person

Address: 8 Wildwood Dr. Telephone: 978-463-0477E-Mail: erinleighmoon@yahoo.com Cell Phone: 617-510-8139Day of Event Contact & Phone: Erin LaRosa 617-510-81395. Number of Attendees Expected: 5006. MA Tax Number: 04-35707727. Is the Event Being Advertised? Yes Where? Signs around town and online8. What Age Group is the Event Targeted to? preschool through adults9. Have You Notified Neighborhood Groups or Abutters? Yes ☐ No ☒ Who? _____

ACTIVITIES: (Please check where applicable.) Subject to Licenses & Permits from Relevant City Departments

A. Vending: Food ☒ Beverages ☒ Alcohol ☐ Goods ☐ Total # of Vendors _____B. Entertainment: (Subject to City's Noise Ordinance.) Live Music ☐ DJ ☒ Radio/CD ☐Performers _____ Dancing ☐ Amplified Sound ☒ Stage ☐C. Games /Rides: Adult Rides ☐ Kiddie Rides ☐ Games ☐ Raffle ☐

Other _____ Total # _____

Name of Carnival Operator: _____

Address: _____

Telephone: _____

D. Organizer is responsible for clean-up during and after event. All trash must be collected and removed from event location immediately at the end of the event unless prior written agreement had been made with the Department of Public Services (DPS).

Will you be conducting the clean-up for this event? Yes ☒ No ☐ 2016 DEC 21 P 1:41RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2016 DEC 21 P 1:41

If yes:

- 10 trash cans provided by Bresnahan
(Bresnahan dumpsters)
- a) How many trash receptacles will you be providing? Bresnahan dumpsters
- b) How many recycling receptacles will you be providing? 5 recycling bins - Bresnahan
- c) Will you be contracting for disposal of: Trash Yes ☒ No ☐ Recycling Yes ☒ No ☐
- i. If yes, size of dumpster(s): Trash _____ Recycling _____
- ii. Name of disposal company: Trash _____ Recycling _____
- iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes _____ No _____
- iv. If no, where will the trash & recycling be disposed? _____

If no:

- a) # of trash container(s) to be provided by DPS _____
- b) # of recycling container(s) to be provided by Recycling Office _____
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

All fees must be paid prior to the event. Check or money order is payable to the City of Newburyport.

E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)

_____ Standard # _____ ADA accessible

we will use Bresnahan bathrooms

Name of company providing the portable toilets: _____

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____

ROAD RACE ☒

WALKATHON _____

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

Newburyport Elementary PTO

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

Erin LaRosa

8 Wildwood Dr.

Newburyport, MA 01950

617-510-8139

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

Erin LaRosa

617-510-8139 or 978-463-0477

4. Date of Event: 4/9/16 Expected Number of Participants: 300

5. Start Time: 8:00 am Expected End Time: 12:00 pm

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

High st., Moseley Ave, Moulton st.,

Merrimac st., Carter st., High st.

7. Locations of Water Stops (if any): Mile 1.5

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

9. Formation Location & Time for Participants: 9:55 Bresnahan school driveway

10. Dismissal Location & Time for Participants: 10:45 Bresnahan school driveway

11. Additional Parade Information:

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

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

CITY MARSHAL [Signature] 4 Green St. FIRE CHIEF Dep SAS 12/19/16 0 Greenleaf St.

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

DEPARTMENT APPROVAL (for Committee Member use only):

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

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

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

Limitations

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

- (e) *"Road Closure"* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents ten (10) days in advance that neighborhood roads will be closed if no alternate route is available to those residents.
- (f) *"Insurance"* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an insured. The policy shall be no less than two million dollars (\$2,000,000.00).
- (g) *"Event termination"* If in the judgment of the City Marshal, Fire Chief or Department of Public Services (DPS) Director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the Harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.
- (h) *"Event and traffic Security"* The City Marshal, Fire Chief, DPS Director or in the case of a triathlon, the Harbormaster can require special duty personnel to oversee the safety and security of the event. All special duty assignments will be paid by the event organizers.
- (i) *"Clean-up"* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

13-101 Enforcement

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

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

Signed: Eun Moon LaRosa Date: 12/6/17

December, 2017
Newburyport City Council
60 Pleasant Street
Newburyport, MA 01950

Dear Thomas O'Brien, President and Members of the Newburyport City Council:

The Newburyport Elementary PTO's (Bresnahan and Molin) are requesting your permission to host the 13th annual Spring Fever 5K road race and Family Fun Run on April 9th, 2017 at the Bresnahan school. We plan to use the same certified 5k course as last year and hold the race at the same time.

SPRING FEVER 5K AND FAMILY FUN RUN DETAILS:

Proposed Date: Sunday, April 9th, 2017, 10:00 a.m. Fun Run, 10:30 a.m. 5K.

Estimated Participants: 200 Fun Run participants, 300 5K participants, 50+ volunteers

Race Registration: Bresnahan School Kindergarten/Preschool lobby

Post Race Party: Bresnahan bus turn around, front field and covered walkway. In the case of inclement weather, the post race party will be held in the Bresnahan gymnasium. Refreshments may include water, pizza, baked goods, etc.

Fun Run Race Route: Bresnahan front drive and parking lot.

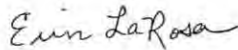
5K Race Route (see attached map)

Thank you for your consideration.

Sincerely,

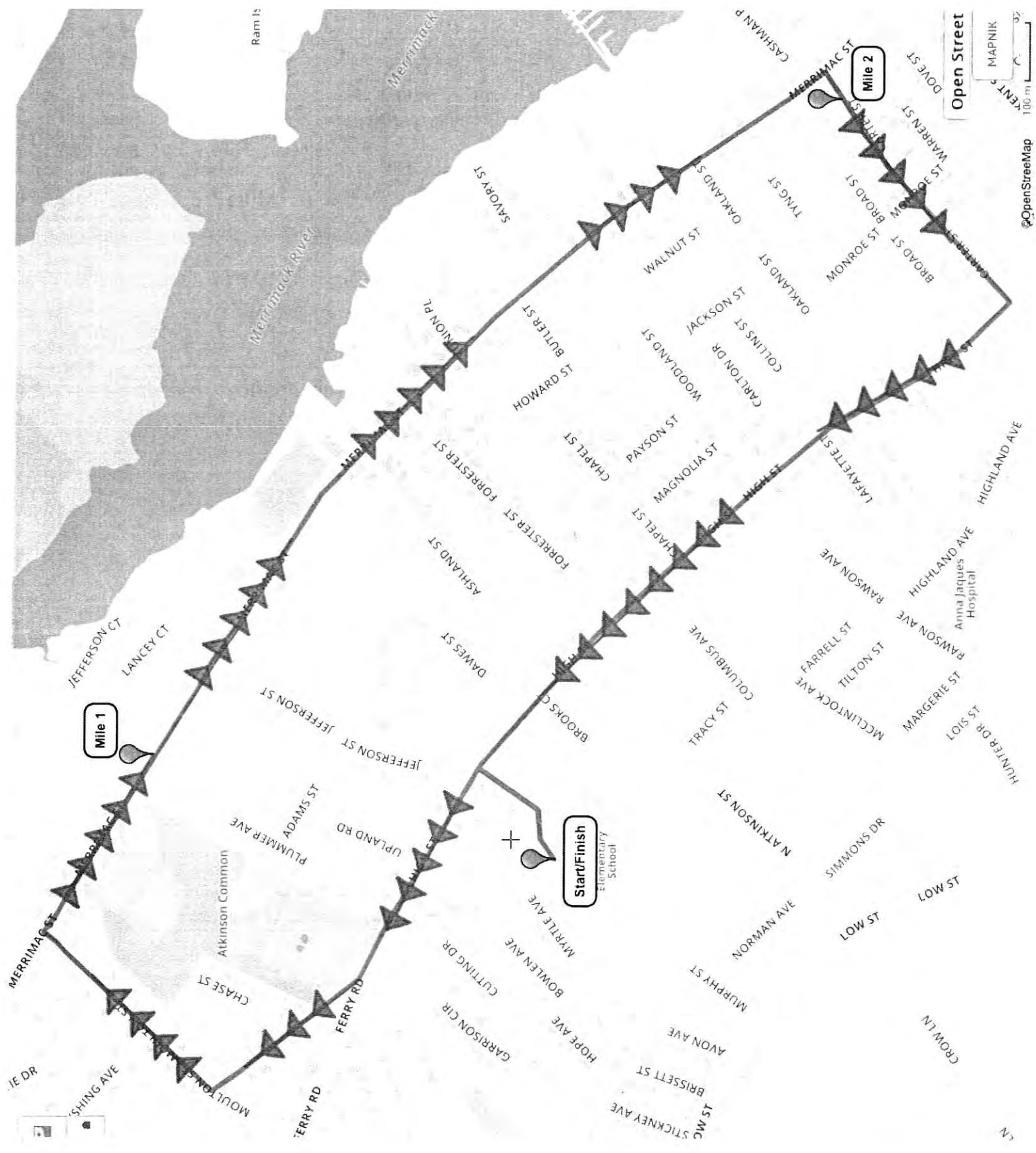


Jessica Lasky-Su
Jessica.a.su@gmail.com
617-875-9992



Erin LaRosa
erinleighmoon@yahoo.com
617-510-8139





Open Street

MAPNIK

100 m

©OpenStreetMap

Mile 1

Mile 2

Start/Finish
Elementary School

Anna Jacques Hospital

Ram Is

Marmack River



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

12/06/2016

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

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

PRODUCER K&K Insurance Group, Inc. 1712 Magnavox Way Fort Wayne IN 46804	CONTACT NAME: Mass Merchandising Underwriting PHONE (A/C, No, Ext): 800-426-2889 FAX (A/C, No): 260-459-5105 E-MAIL ADDRESS: info@sportsinsurance-kk.com PRODUCER CUSTOMER ID:
INSURED The Spring Fever 5K and Family Fun Run 8 Wildwood Drive Newburyport, MA 01950 A Member of the Sports, Leisure & Entertainment RPG	INSURER(S) AFFORDING COVERAGE INSURER A: Nationwide Mutual Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
	NAIC # 23787

COVERAGES

CERTIFICATE NUMBER: W00952709

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:	X		6BRPG0000005878100	04/09/2017 12:01 AM EDT	04/10/2017 12:01 AM	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea Occurrence) \$300,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$5,000,000 PRODUCTS - COMP/OP AGG \$1,000,000 PROFESSIONAL LIABILITY LEGAL LIAB TO PARTICIPANTS \$1,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY <input type="checkbox"/> NOT PROVIDED WHILE IN HAWAII						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION						EACH OCCURRENCE AGGREGATE
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/ EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) <input type="checkbox"/> If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					PER STATUTE <input type="checkbox"/> OTHER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT
A	MEDICAL PAYMENTS FOR PARTICIPANTS			6BRPG0000005878100	04/09/2017 12:01 AM EDT	04/10/2017 12:01 AM	PRIMARY MEDICAL EXCESS MEDICAL \$25,000

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

Legal Liability to Participants (LLP) limit is a per occurrence limit.

Event Name: The Spring Fever 5K and Family Fun Run Type of Event: Walk and Run Distance: 5K

Event Date (including ancillary events and set-up/tear-down): 4/9/2017 to 4/9/2017 Number of Participants: 400 Event Location: Bresnahan Elementary School, 333 High Street, Newburyport

The certificate holder is added as an additional insured, but only for liability caused, in whole or in part, by the acts or omissions of the named insured.

CERTIFICATE HOLDER**CANCELLATION**

City of Newburyport
80 Pleasant Street
Newburyport, MA 01950
(Owner/Lessor of Premises)

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

AUTHORIZED REPRESENTATIVE

Coverage is only extended to U.S. events and activities.

** NOTICE TO TEXAS INSURED: The Insurer for the purchasing group may not be subject to all the insurance laws and regulations of the State of Texas



RIVER VALLEY CHARTER SCHOOL
montessori made public

RECEIVED
CITY CLERK'S OFFICE
2016 DEC 12 P 2:56

December 6, 2016

Office of the City Clerk
60 Pleasant Street
P.O. Box 550
Newburyport, MA 01950

To Whom It May Concern:

Enclosed please find the 2016 River Valley Charter School Report Card as published by the Massachusetts Department of Elementary and Secondary Education (DESE). The report card is also available on our school website and the DESE website.

Public schools in Massachusetts are required to share this report with its constituents and River Valley is pleased to share this information. The report card includes data about the State's perspective on our overall performance and specific information about student enrollment, teacher qualifications, student achievement, accountability, information about how our school is performing relative to other schools in the state, as well as progress made toward narrowing proficiency gaps for different groups of students. River Valley is a Level 1 school because of our student's performance and continued growth on statewide assessments. River Valley is meeting state-mandated gap narrowing goals.

Thank you. If you have questions, please do not hesitate to contact the school at 978-465-0065.

Jonnie Lyn Evans
Assistant Director

**Full Report Card on file w/ Clerk's office*



Charles LaBella
Chairperson
School Committee

Maureen Lynch
Superintendent

Whittier Regional Vocational Technical High School

CITY CLERK'S OFFICE
NEWBURYPORT, MA

2016 DEC 12 P 2:10

115 Amesbury Line Road
Haverhill, MA 01830-1898
978-373-4101
Fax: 978-521-0260
www.whittiertech.org

October 13, 2016

ANNUAL OPERATIONAL REPORT

TO: The Honorable City Council Members

FROM: F. Nelson Burns, Whittier Representative
Brett Murphy, Whittier Representative
Maureen Lynch, Superintendent

Whittier offers 22 vocational technical career areas designed to provide the necessary training and skills for further education or work force success.

Whittier's academic program is designed to offer students the fundamental skills through its core curriculum in English, Math, Science and Technology, Social Studies, World Languages, Physical Education/Health, and Elective subjects. Courses are aligned with the Massachusetts Curriculum Frameworks in order to achieve success on the MCAS.

Courses are offered in a sequential format and are integrated with the vocational-technical areas, wherever practicable and mutually beneficial. All academic courses offer advanced sections for students who desire to further their education. We offer honors courses in English, science, and math to lead toward advanced placement courses. Moreover, a Tech Prep program is offered to eleventh and twelfth grade students which parallels the College Prep program and provides students with the opportunity to earn college credit and/or advanced college placement.

Since all programs are open to both females and males, we encourage our students to explore and to specialize in non-stereotyped, non-traditional vocational-technical areas and to strive for the maximum realization of their goals and potential.

Whittier Regional Vocational Technical High School is entering its forty third year. To date we have graduated 10,932 students from the day school.

The enrollment for the Evening School from Newburyport: 11

Honorable City Council Members
October 13, 2016
Page 2

The October 1, 2015 Day School Enrollment:


	Boys	Girls
Grade 9	6	4
Grade 10	2	4
Grade 11	5	0
Grade 12	4	0

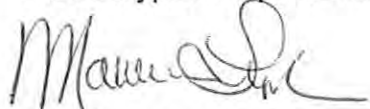
Total – 25

2016 Graduates – 5

The cost to Newburyport for the school year 2015-2016 was \$330,403.00.

Respectfully yours,


Brett Murphy
Newburyport Representative


Maureen Lynch
Superintendent

ML/lr

PERAC

RECEIVED
CITY CLERK'S OFFICE
40 SOUTH ST.
SOMERVILLE, MA 01906

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

PHILIP Y. BROWN, ESQ., *Chairman*

2016 DEC 12 10:44 AM JOSEPH E. CONNARTON, *Executive Director*

Auditor SUZANNE M. BUMP | KATHLEEN M. FALLON | KATE FITZPATRICK | JAMES M. MACHADO | ROBERT B. MCCARTHY | JENNIFER F. SULLIVAN

MEMORANDUM

TO: Newburyport Retirement Board
FROM: *Joseph E. Connarton*
Joseph E. Connarton, Executive Director
RE: Appropriation for Fiscal Year 2018
DATE: December 2, 2016

Required Fiscal Year 2018 Appropriation: **\$4,653,976**

This Commission is hereby furnishing you with the amount to be appropriated for your retirement system for Fiscal Year 2018 which commences July 1, 2017.

Attached please find summary information based on the present funding schedule for your system and the portion of the Fiscal Year 2018 appropriation to be paid by each of the governmental units within your system.

If your System has a valuation currently in progress, you may submit a revised funding schedule to PERAC upon its completion. The current schedule is/was due to be updated by Fiscal Year 2019.

If you have any questions, please contact PERAC's Actuary, Jim Lamenzo, at (617) 666-4446 Extension 921.

JEC/jrl
Attachments

cc: Office of the Mayor
City Council
c/o City Clerk

p:\actuarial\approp\approp18\fy18 for web\newburyport approp 18.docx



Newburyport Retirement Board

Projected Appropriations

Fiscal Year 2018 - July 1, 2017 to June 30, 2018

Aggregate amount of appropriation: **\$4,653,976**

Fiscal Year	Estimated Cost of Benefits	Funding Schedule (Excluding ERI)	ERI	Total Appropriation	Pension Fund Allocation	Pension Reserve Fund Allocation	Transfer From PRF to PF
FY 2018	\$5,173,203	\$4,405,453	\$248,523	\$4,653,976	\$4,653,976	\$0	\$519,227
FY 2019	\$5,310,174	\$4,638,152	\$248,523	\$4,886,675	\$4,886,675	\$0	\$423,499
FY 2020	\$5,450,703	\$5,055,492	\$75,516	\$5,131,008	\$5,131,008	\$0	\$319,695
FY 2021	\$5,594,881	\$5,387,559	\$0	\$5,387,559	\$5,387,559	\$0	\$207,322
FY 2022	\$5,742,805	\$5,656,937	\$0	\$5,656,937	\$5,656,937	\$0	\$85,868

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.

For illustration, we have shown the amount to be transferred from the Pension Reserve Fund to the Pension Fund to meet the estimated Cost of Benefits for each year. If there are sufficient assets in the Pension Fund to meet the Cost of Benefits, this transfer is optional.

Newburyport Retirement Board
Appropriation by Governmental Unit

Fiscal Year 2018 - July 1, 2017 to June 30, 2018

Aggregate amount of appropriation: **\$4,653,976**

UNIT	Percent of Aggregate Amount	Funding Schedule (excluding ERI)	ERI	Total Appropriation
City of Newburyport	97.57%	\$4,298,400	\$241,223	\$4,539,623
Newburyport Housing Authority	2.43%	\$107,053	\$7,300	\$114,353
UNIT TOTAL	100%	\$4,405,453	\$248,523	\$4,653,976

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.

THE COMMONWEALTH OF MASSACHUSETTS

CITY OF Newburyport
 CITY CLERK'S OFFICE
 NEWBURYPORT, MA

**APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
 OR ASSEMBLE SECOND HAND MOTOR VEHICLES
 OR PARTS THEREOF**

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a second class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? LCA Motors

Business address of concern. No. 4 Lt. Leary Drive St.,
Newburyport City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? Individual

3. If an individual, state full name and residential address.

Charles Cioracco 4 Lt. Leary Drive Newburyport

4. If a co-partnership, state full names and residential addresses of the persons composing it.

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President _____

Secretary _____

Treasurer _____

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? Yes

If so, is your principal business the sale of new motor vehicles? No

Is your principal business the buying and selling of second hand motor vehicles? Yes

Is your principal business that of a motor vehicle junk dealer? No

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

Sale of used vehicles over the internet
from a residence. No vehicles located at the
residence.

8. Are you a recognized agent of a motor vehicle manufacturer? No

(Yes or No)

If so, state name of manufacturer _____

9. Have you a signed contract as required by Section 58, Class 1? No

(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? Yes

(Yes or No)

If so, in what city — town Newburyport

Did you receive a license? Yes

(Yes or No)

For what year? 2005 - present

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? No

(Yes or No)

Sign your name in full

Cliff Lew
(Duly authorized to represent the concern herein mentioned)

Residence

4 Lt. Key Drive
Newburyport

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH
FULL INFORMATION, AND FALSE STATEMENTS
HEREIN MAY RESULT IN THE REJECTION OF
YOUR APPLICATION OR THE SUBSEQUENT
REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation _____
(Approved or Disapproved)

License No. _____ granted _____ 20 _____ Fee \$ _____

Signed _____

CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

SECTION 58. Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.

Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

SECTION 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which will expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no case shall exceed \$100. dollars. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for addition thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The decision of the justice shall be final.

APPLICATION FOR A LICENSE TO BUY, SELL,
EXCHANGE OR ASSEMBLE SECOND HAND
MOTOR VEHICLES OR PARTS THEREOF.

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. _____

Class _____ License No. _____

Name _____

St. and No. _____

City — Town _____

Date Issued _____

Remarks _____

CNA

1/25/2008 10:01 AM PAGE 1/003 Fax Server

CNA SURETY

CNA Plaza, Chicago IL 60685-0001

Jennifer B. Schaller

Counsel

Telephone 312-822-7049

Facsimile 312-755-3737

RECEIVED
CLERK'S OFFICE
JAN 25 2008 10:58 AM

Re: Second Hand Motor Vehicle Dealer Bond Certificate of
Continuance for Western Surety Bonds

Western Surety is an underwriting company of CNA Surety and we are contacting your office because several of our bond principals received correspondence indicating the need for a Certificate of Continuance for their Second Hand Motor Vehicle Dealer Bonds issued by Western Surety.

Western Surety's standard bond form expressly states: "This bond shall be continuous and may be cancelled by the Surety by giving (30) days' written notice of cancellation to the municipal licensing authority at (address) by First Class Mail." (emphasis added)." Since, Western Surety's bond form is continuous, it would be inappropriate for Western Surety to issue a Continuation Certificate.

The Commonwealth of Massachusetts, Registry of Motor Vehicles has reviewed Western Surety's bond form and has clearly stated that municipalities do not need to require additional evidence that the bond is in effect. (See attached letter from Attorney William MeVey dated November 19, 2004).

If you have any questions, or we can be of any further assistance, please feel free to contact me at (312) 822-7049.

Sincerely,

Jennifer B. Schaller

Jennifer B. Schaller

CNA

1/25/2008 10:01 AM PAGE 2/003 Fax Server

Kimberly Hinton
Registrar*The Commonwealth of Massachusetts**Registry of Motor Vehicles**One Copley Place, Boston 02116*Mail
P.O. Box 199100
Boston, MA 02119-0100
www.regi.gov/mv

November 19, 2004

Jennifer B. Schaller, Esq.
Law Department
CNA Surety, 13th Floor
CNA Plaza 13 South
Chicago, IL 60685

Re: Western Surety Company Bond for Massachusetts

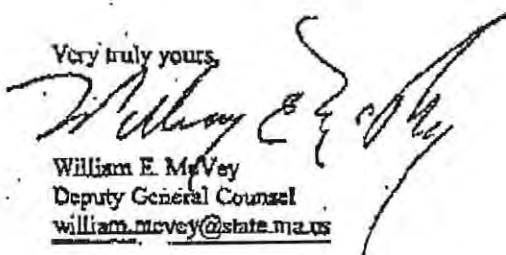
Dear Attorney Schaller:

1. This is in response to your inquiry concerning the bond required by Class 2 motor vehicle dealers in Massachusetts. You have indicated that licensing authorities in some municipalities have insisted that dealers attempting to renew a "Class 2 Dealer's License" must provide proof that the dealer's existing bond is still valid and will remain so throughout the renewal term of one calendar year (January 1, to December 31).
2. Chapter 422 of the Acts of 2002 does state that:
A municipal licensing authority shall not issue or renew a Class 2 license unless it is satisfied that a bond or equivalent proof of financial responsibility meeting the requirements of this section is in effect during the term under which the license shall be issued or renewed....
3. I have reviewed a copy of a bond you have provided which is issued by Western Surety Company (apparently a related company to CNA). The Form Number of the Western Surety Second Hand Motor Vehicle Dealer Bond is F6333-7-2003 and you have provided oral assurance that this is the only bond form used in Massachusetts by Western Surety Company for Class 2 dealers.
4. The last paragraph of the Western Surety Second Hand Motor Vehicle Dealer Bond states:
This bond shall be continuous and may be cancelled by the Surety by giving thirty (30) days written notice of cancellation to the municipal licensing authority at _____ by First Class U.S. Mail.

5. Based upon the wording contained in the Bond as stated in paragraph # 4, the Registrar is satisfied that the above identified Western Surety Second Hand Motor Vehicle Dealer Bond (F6333-7-2003) provides continuous coverage under the law (unless the municipality is notified of cancellation). As such, a municipality in Massachusetts that is processing a renewal for a Class 2 Dealer License from a dealer who has a Western Surety Second Hand Motor Vehicle Dealer Bond (F6333-7-2003) on file with the municipality, should not require additional evidence that the bond is still valid.

6. I trust this is responsive to your inquiry.

Very truly yours,


William E. McVey
Deputy General Counsel
william.mcvey@state.ma.us

Massachusetts

Western Surety Company

SECOND HAND MOTOR VEHICLE DEALER BOND

(Mass. Gen. Laws Ann. 140, § 58(c))

Bond No. 69923000

KNOW ALL PERSONS BY THESE PRESENTS:

Effective Date: June 9, 2005That we, Charles Ciovacco dba LCA Motors

as Principal, and WESTERN SURETY COMPANY, a corporation authorized to do surety business in the Commonwealth of Massachusetts, as Surety, are held and firmly bound unto persons who purchase a vehicle from the Principal and who suffer loss on account of a breach of the condition of this bond described below, in the sum of not to exceed TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00), for the payment of which well and truly to be made, we bind ourselves and our legal representatives, firmly by these presents.

WHEREAS, the Principal is a second hand motor vehicle dealer and is required to furnish a bond or equivalent proof of financial responsibility pursuant to Mass. Gen. Laws Ann. 140, § 58(c)(1).

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall pay the amount of actual damages, not to exceed the amount of this bond, to any person who purchases a vehicle from the Principal and who suffers loss on account of: (a) the Principal's default or nonpayment of valid bank drafts, including checks drawn by the Principal for the purchase of motor vehicles; (b) the Principal's failure to deliver, in conjunction with the sale of a motor vehicle, a valid motor vehicle title certificate free and clear of any prior owner's interests and all liens, except a lien created by or expressly assumed in writing by the buyer of the vehicle; (c) the fact that the motor vehicle purchased from the Principal was a stolen vehicle; (d) the Principal's failure to disclose the vehicle's actual mileage at the time of sale; (e) the Principal's unfair and deceptive acts or practices, misrepresentations, failure to disclose material facts or failure to honor a warranty claim or arbitration order in a retail transaction; or (f) the Principal's failure to pay off a lien on a vehicle traded in as part of a transaction to purchase a vehicle when the Principal had assumed the obligation to pay off the lien, then this obligation to be void; otherwise to remain in full force and effect.

PROVIDED, that recovery against this bond may be made only by a person who obtains a final judgment in a court of competent jurisdiction against the Principal for an act or omission on which this bond is conditioned, if the act or omission occurred during the term of this bond. No suit may be maintained to enforce any liability on this bond unless brought within one (1) year after the event giving rise to the cause of action. This bond shall cover only those acts and omissions described above. The Surety shall not be liable for total claims in excess of the bond amount, regardless of the number of claims made against this bond or the number of years this bond remains in force.

This bond shall be continuous and may be cancelled by the Surety by giving thirty (30) days' written notice of cancellation to the municipal licensing authority at City Hall, 60 Pleasant St., Newburyport, MA 01950

by First Class U.S. Mail.

Address

Dated this 9th day of June, 2005.

Charles Ciovacco dba LCA

Motors, Principal

By: _____

WESTERN SURETY COMPANY, Surety

By: Paul T. Bruffat
Paul T. Bruffat, Senior Vice President

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

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

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

Indemnity, Surety and Undertakings that may be desired by contract, or may be given in any action or proceeding in any court of law or equity, policies indemnifying employers against loss or damage caused by the misconduct of their employees; official, bail, and surety and fidelity bonds; indemnity in all cases where indemnity may be lawfully given; and with full power and authority to execute consents and waivers to modify or change or extend any bond or document executed for this Company, and to compromise and settle any and all claims or demands made or existing against said Company.

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

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

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its
Senior Vice President with the corporate seal affixed this 9th day of June, 2005.

ATTEST

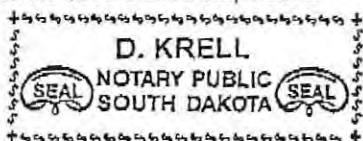
WESTERN SURETY COMPANY

L. Nelson
Assistant Secretary

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

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 9th day of June, 2005, before me, a Notary Public, personally appeared
Paul T. Bruflat and L. Nelson
who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Senior Vice President
and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be
the voluntary act and deed of said Corporation.



My Commission Expires November 30, 2006

D. Krell

Notary Public



THE COMMONWEALTH OF MASSACHUSETTS

RECEIVED
REGISTRATION
NEWBURYPORT, MA

City Newburyport OF Newburyport

2016 DEC 22 PM 3:46

**APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE
OR ASSEMBLE SECOND HAND MOTOR VEHICLES
OR PARTS THEREOF**

12/22/16

Current

License:

MA 144

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a 2 class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? State Automotive

Business address of concern. No. 196 Route one St.,

Newburyport, MA 01950 City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? _____

LLC (Single Member)

3. If an individual, state full name and residential address.

LLC Manager: Andrew J. de Bernardo

16 Hickory Lane, Topsfield MA 01983

4. If a co-partnership, state full names and residential addresses of the persons composing it.

N/A

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President N/A

Secretary _____

Treasurer _____

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? No

If so, is your principal business the sale of new motor vehicles? No

Is your principal business the buying and selling of second hand motor vehicles? No

Is your principal business that of a motor vehicle junk dealer? No

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

196 Route One, Newburyport is located just south of the Route One traffic circle. State Automotive occupies a shared building with a retail vendor. Auto repair bays contain lifts, tools, materials, and equipment consistent with a typical repair shop. Parking is in front, to the side, and to the rear of the building.

8. Are you a recognized agent of a motor vehicle manufacturer? No
(Yes or No)

If so, state name of manufacturer N/A


9. Have you a signed contract as required by Section 58, Class 1? N/A
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? N/A
(Yes or No)

If so, in what city — town N/A

Did you receive a license? N/A For what year? N/A
(Yes or No)

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof ever been suspended or revoked? No
(Yes or No)

Sign your name in full 
(Duly authorized to represent the concern herein mentioned)

Residence 16 Hickory Lane, Topsfield MA
01983

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH FULL INFORMATION, AND FALSE STATEMENTS HEREIN MAY RESULT IN THE REJECTION OF YOUR APPLICATION OR THE SUBSEQUENT REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation _____
(Approved or Disapproved)

License No. _____ granted _____ 20 _____ Fee \$ _____

Signed _____

CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

SECTION 58. Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.

Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

SECTION 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which will expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no case shall exceed \$100. dollars. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for addition thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The decision of the justice shall be final.

APPLICATION FOR A LICENSE TO BUY, SELL,
EXCHANGE OR ASSEMBLE SECOND HAND
MOTOR VEHICLES OR PARTS THEREOF.

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. _____

Class _____ License No. _____

Name _____

St. and No. _____

City — Town _____

Date Issued _____

Remarks _____



State Automotive Repair, LLC
196 Route One, Newburyport, MA 01983
978.465.9833
Service@StateAutomotive.com

December 22, 2016

Enclosed please find our application to renew our Class II Used Auto Dealer License for license MA 144. Our Western Surety Bond is good through February 1, 2016. We paid the renewal for our bond. Enclosed are: a copy of the current bond, an email from our insurance agent confirming payment, and a certificate of insurance showing that it is good through February 1, 2018.

Thank you,

A handwritten signature in black ink, which appears to read 'Andrew J. de Bernardo'. The signature is fluid and cursive.

Andrew J. de Bernardo

Massachusetts



Western Surety Company

SECOND HAND MOTOR VEHICLE DEALER BOND

(Class. Gen. Laws Ann. 140, § 58(c))

Bond No. 62659263

KNOW ALL PERSONS BY THESE PRESENTS

Effective Date: February 1st, 2016

That we, State Automotive Repair, LLC,

as Principal, and WESTERN SURETY COMPANY a corporation authorized to do surety business in the Commonwealth of Massachusetts, as Surety, are held and firmly bound unto persons who purchase a vehicle from the Principal and who suffer loss on account of a breach of the condition of this bond described below, in the sum of not to exceed TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00), for the payment of which well and truly to be made, we bind ourselves and our legal representatives, firmly by these presents.

WHEREAS, the Principal is a second hand motor vehicle dealer and is required to furnish a bond or equivalent proof of financial responsibility pursuant to Mass. Gen. Laws Ann. 140, § 58(c)(1).

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall pay the amount of actual damages, not to exceed the amount of this bond, to any person who purchases a vehicle from the Principal and who suffers loss on account of: (a) the Principal's default or nonpayment of valid bank drafts, including checks drawn by the Principal for the purchase of motor vehicles; (b) the Principal's failure to deliver, in conjunction with the sale of a motor vehicle, a valid motor vehicle title certificate free and clear of any prior owner's interests and all liens, except a lien created by or expressly assumed in writing by the buyer of the vehicle; (c) the fact that the motor vehicle purchased from the Principal was a stolen vehicle; (d) the Principal's failure to disclose the vehicle's actual mileage at the time of sale; (e) the Principal's unfair and deceptive acts or practices, misrepresentations, failure to disclose material facts or failure to honor a warranty claim or arbitration order in a retail transaction; or (f) the Principal's failure to pay off a lien on a vehicle traded in as part of a transaction to purchase a vehicle when the Principal had assumed the obligation to pay off the lien, then this obligation to be void; otherwise to remain in full force and effect.

PROVIDED, that recovery against this bond may be made only by a person who obtains a final judgment in a court of competent jurisdiction against the Principal for an act or omission on which this bond is conditioned, if the act or omission occurred during the term of this bond. No suit may be maintained to enforce any liability on this bond unless brought within one (1) year after the event giving rise to the cause of action. This bond shall cover only those acts and omissions described above. The Surety shall not be liable for total claims in excess of the bond amount, regardless of the number of claims made against this bond or the number of years this bond remains in force.

This bond shall be continuous and may be cancelled by the Surety by giving thirty (30) days' written notice of cancellation to the municipal licensing authority at _____

60 Pleasant St. Newburyport, MA 01950

by First Class U.S. Mail.

Address _____

Dated this 1st day of February, 2016.

State Automotive Repair,
LLC,

Principal

By: [Signature]

WESTERN SURETY COMPANY, Surety

By: [Signature]

Paul T. Bryant, Senior Vice President

Western Surety Company

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

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

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

One Second Hand Motor Vehicle Dealer

bond with bond number 62659263

for State Automotive Repair, LLC

as Principal in the penalty amount not to exceed: \$ 25,000.00

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

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

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its

Vice President with the corporate seal affixed this 1st day of February

2016

ATTEST

L. Nelson

L. Nelson, Assistant Secretary

WESTERN SURETY COMPANY

By

Paul T. Bruflat

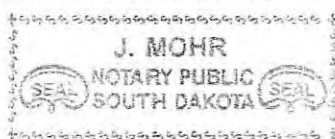
Paul T. Bruflat, Vice President

STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 1st day of February, 2016, before me, a Notary Public, personally appeared

Paul T. Bruflat and L. Nelson

who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Vice President and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the voluntary act and deed of said Corporation.

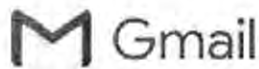


My Commission Expires June 03, 2017

J. Mohr

Notary Public

To validate bond authenticity, go to www.westernsurety.com > Owner/Obligee Services > Validate Bond Coverage.



Dana de Bernardo <dana.debernardo@gmail.com>

FW: Payment Confirmation

Jeremiah Lewis <jtlewis@sullivaninsurance.com>

Wed, Dec 21, 2016 at 11:01 AM

To: Dana de Bernardo <dana@bulldawgusa.com>

Cc: "Andrew de Bernardo (Andrew@BullDawgUSA.com)" <Andrew@bulldawgusa.com>

Hi Dana,

Payment confirmation email below and renewal certificate is attached. Please let me know if you need anything else on this.

Thank you,

Jeremiah T. Lewis, CIC
President
Bernard M. Sullivan Insurance Agency
12 Market St
Ipswich, MA. 01938
978-356-5511 phone
978-356-0214 fax
jtlewis@sullivaninsurance.com
www.sullivaninsurance.com

Please note coverage cannot be bound, cancelled or altered except through speaking to an authorized representative of Bernard M. Sullivan Insurance Agency, Inc. (BMS). Coverage cannot be assumed without express confirmation from BMS or an authorized representative of BMS.
E-mails sent on behalf of BMS may contain proprietary, confidential or privileged information intended solely for the addressee. If you are not the intended recipient, any use, copying disclosure, dissemination or distribution is strictly prohibited. If you received the message in error, please notify the sender immediately by return E-Mail, delete the communication and destroy all copies.

—Original Message—

From: CNA Surety Electronic Payments [mailto:noreply@epymtservice.com]
Sent: Wednesday, December 21, 2016 10:54 AM
To: Jeremiah Lewis <jtlewis@sullivaninsurance.com>
Subject: Payment Confirmation

*** PLEASE DO NOT RESPOND TO THIS EMAIL ***

Thank you for your payment.

This email is to confirm your payment submitted on Dec-21-2016 for Bond/Policy # 62659263.

Confirmation Number: CNASUR000442466
Payment Amount: \$250.00
Scheduled Payment Date: Dec-21-2016

Account Nickname: N/A
Routing Transit Number: 211370082
Account Number: *0799
Account Type: Checking
Account Category: Business

If you have questions about this payment or need assistance, Please call Customer Service at (800)331-6053.

Payments made before 5pm (CDT) will be posted to your account the next business day. Payments made after 5pm (CDT) may not be posted to your account for up to two business days.

Thank you for using the CNA Surety electronic payment system.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

12/21/2016

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

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

PRODUCER Bernard M. Sullivan Insurance Agency 12 Market St. P.O. Box 568 Ipswich MA 01938	CONTACT NAME: Jeremiah Lewis PHONE (A/C, No, Ext): (978) 356-5511 FAX (A/C, No): (978) 356-0214 E-MAIL ADDRESS: jtlewis@sullivaninsurance.com
INSURED State Automotive Repair, LLC. 196 Route One Newburyport MA 01950	INSURER(S) AFFORDING COVERAGE INSURER A: C N A Surety NAIC # CNAS01 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES

CERTIFICATE NUMBER: CL16122105106

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						EACH OCCURRENCE \$ DAMAGE TO RENTED PREMISES (Ea occurrence) \$ MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ GENERAL AGGREGATE \$ PRODUCTS - COMP/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y/N <input type="checkbox"/> N/A						PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Used Car Dealer Bond			62659263	2/1/2017	2/1/2018	Penalty \$25,000

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

CERTIFICATE HOLDER

CANCELLATION

City of Newburyport 60 Pleasant St. Newburyport, MA 01950	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Jeremiah Lewis/SULJL1 <i>Jeremiah Lewis</i>
-----------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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Questions contact – John Butler-978-725-1415

PETITION FOR POLE AND WIRE LOCATIONS

North Andover, Massachusetts

To the City Council
of Newburyport Massachusetts

NATIONAL GRID requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Willow Ave-National Grid to install a guy pole and pole to pole guy.
Location approximately as shown on plan attached

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 – Willow Ave-Newburyport Massachusetts

23112936 December 19, 2016

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 Chris Rapp
Engineering Department

2016 DEC 21 A 11:11

Questions contact – John Butler-978-725-1415

City

ORDER FOR POLE AND WIRE LOCATIONS

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 poles and wires 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 19th day of December 2016.

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

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Willow Ave-Newburyport Massachusetts.

23112936 Dated: December 19, 2016. 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 poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Willow Ave-National Grid to install a guy pole and pole to pole guy.

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

Massachusetts City/Town Clerk.
20 ____

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

Attest:
City/Town Clerk

I hereby certify that on
At

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

NATIONAL GRID

for permission to erect the poles, wires, and fixtures 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.

.....
.....
.....
.....

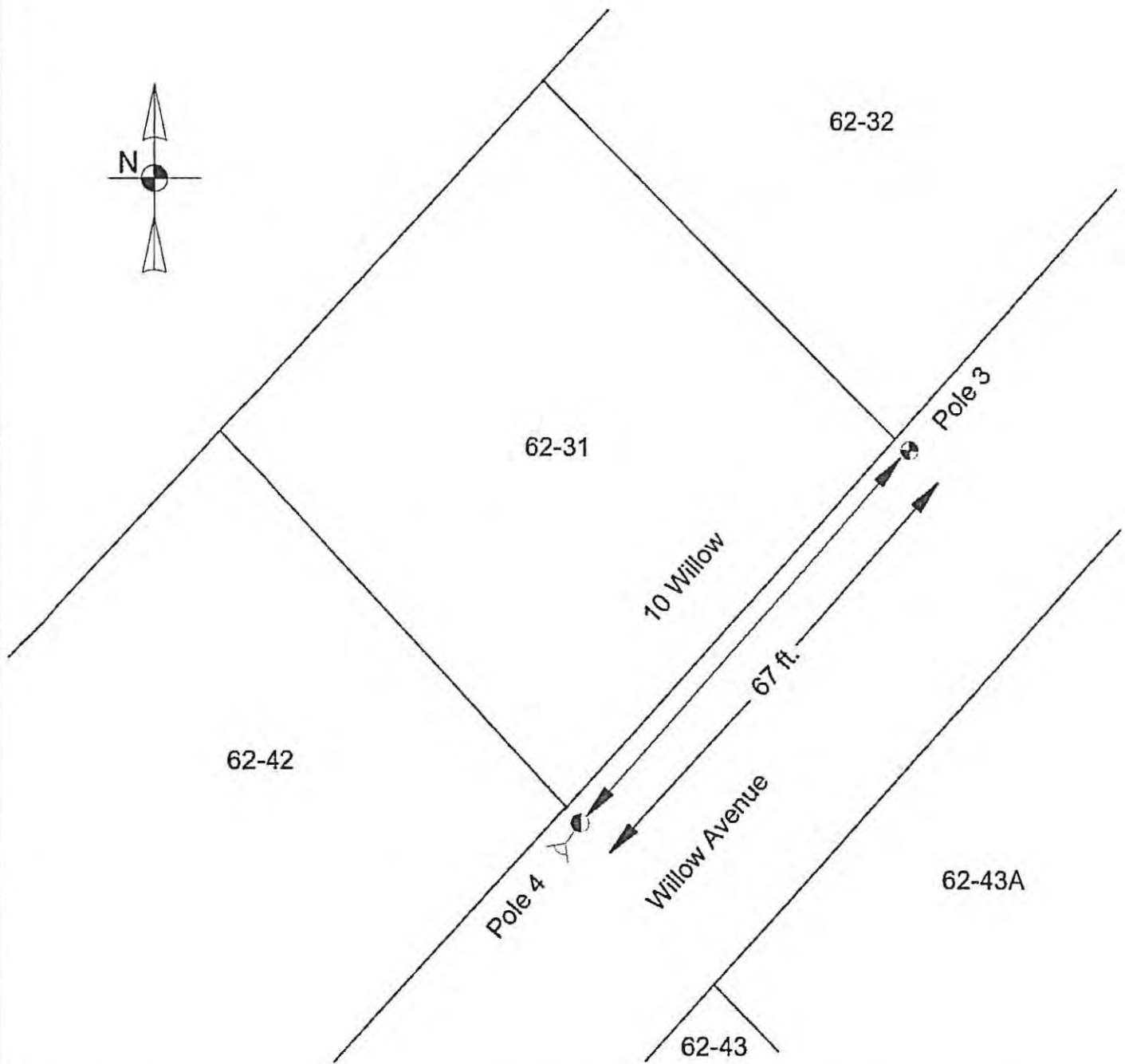
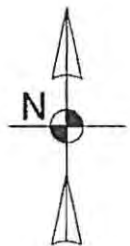
Board or Council of Town or City, Massachusetts

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 , and 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



POLE PETITION

● Proposed S.O. Pole Locations

⊕ Existing J.O. Pole Locations

△ Proposed Anchor & Guy

↔ Proposed Pole to Pole Guy

DISTANCES ARE APPROXIMATE

nationalgrid

Date: December 16 2016

Work Request Number: WR 23112936

To Accompany Petition Dated:

To The: City Of Newburyport

Proposed installation of Guy pole & anchor

**APPOINTMENTS
FIRST READING**



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

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

978-465-4413 PHONE

978-465-4402 FAX

2016 DEC 31 A 9:57

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: January 30, 2016
Re: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Planning Board to fulfill the unexpired term of Noah Luskin. This term will expire on May 31, 2019.

Ann M. Gardner
239 Water Street
Newburyport, MA 01950

Anne M. Gardner
239 Water Street
Newburyport, MA 01950

December 16, 2016

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

RE: Planning Board Opening

Dear Mayor Holaday,

I would appreciate being considered for the current opening on the Planning Board. I am retired from a career in planning and developing retirement communities across New England and am aware of the importance of balancing successful development projects with local community benefits. I have experience working with land use attorneys, civil engineers, architects, contractors and others in the development process. I believe this background would contribute to the efforts of the Planning Board.

I was a member of the Newburyport Planning Board from 2007 – 2012 and would welcome the opportunity to again serve the city. Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read "Anne M. Gardner".

Anne M. Gardner

Anne M. Gardner
239 Water Street
Newburyport, MA 01950
978.808.8081 / annearc@comcast.net

PROFESSIONAL EXPERIENCE

ATLANTIC RETIREMENT COMMUNITIES

Newburyport, MA

1987 to 2015

President

- ♦ Founder of a firm providing consulting services to New England based clients developing retirement communities. The firm was involved in the development of independent retirement housing, assisted living, memory care and continuing care communities. Responsible for completing over one hundred (100) retirement housing consulting projects, including market feasibility studies, business plans, project marketing, project development, financing, and operations planning.

HEALTH CARE MANAGEMENT ASSOCIATES

Lynnfield, MA

1985 to 1987

Associate

- ♦ Managed consulting contracts with hospitals and other health care and housing clients throughout New England. Assisted clients in planning, developing and marketing retirement communities. Responsible for market feasibility studies, business plans, marketing planning and sales management.

STATE OF MAINE, BUREAU OF MAINE'S ELDERLY

Augusta, ME

1979 to 1985

Director of Housing

- ♦ Developed, implemented and administered Maine's congregate housing program. Prepared federal grant and loan applications on behalf of local housing sponsors. Established elderly housing projects financed through HUD and USDA programs. Researched assisted living and home equity conversion options and implemented innovative demonstration projects.

P. A. C. E., INC.

West Townsend, VT

1977 to 1978

Project Director

- ♦ Developed and administered congregate housing project. Responsible for project marketing, start-up operations, personnel recruitment, fiscal operations and resident relations.

ELDER SERVICES OF THE MERRIMAC VALLEY

1975 to 1977

Haverhill, MA

Case manager

- ♦ Assessed needs and coordinated services to support homebound elder clients.

EDUCATION AND MEMBERSHIPS

- ♦ M.B.A., University of New Hampshire
- ♦ M.S.W., Boston University
- ♦ B.A., University of Massachusetts, Amherst
- ♦ ALFA/MASS ALFA, Member (past)
- ♦ AAHSA, Member (past)
- ♦ Merrimac Planning Board, Member (1997 - 2001)
- ♦ YWCA of Newburyport, Director (1996 - 1999)
- ♦ Newburyport Planning Board, Member (2007 - 2012)
- ♦ YWCA of Newburyport, Member, Affordable Housing Committee (2006 - 2009)
- ♦ Newburyport Community Preservation Committee, Member (2010 - 2012)



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

60 PLEASANT STREET - P.O. BOX 550

NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

2017 JAN -3 P 3:31

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: January 3, 2017
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as Newburyport's Finance Director and City Auditor. This term expire on February 1, 2020.

Ethan R. Manning
31 Howard Street
Newburyport, MA 01950

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

**APPOINTMENTS
SECOND READING**

SECOND READING APPOINTMENTS

- **APPT079_12_12_16** Dan Mello 2B Fulton St Waterfront Trust 12/31/2021

Motion to approve the Consent Agenda as amended by Councillor Earls, seconded by Councillor Zeid. So voted.

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 9, 2017

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude a gift from the Newburyport Five Cents Savings Charitable Foundation in the amount of \$100,000.00 for the purpose of constructing the Richard A. Eaton Baseball Field located behind the Nock-Molin Upper Elementary School and appropriates said funds to the Nock-Molin Athletic Fields Project in accordance with M.G.L. Chapter 44, Section 53A.

Councillor Charles F. Tontar
Chair, Budget & Finance Committee

ORDINANCES

COMMITTEE ITEMS

BUDGET & FINANCE COMMITTEE ITEMS

TRAN031_12_12_16 Budget Contingency (38,919.76) to
SAL Deputy Chief (5 ,427.33), SAL Firefighters (33 ,492.43)

TRAN032_12_12_16 Longevity (7,270.47) to SAL Firefighters (7,270.47

ORDR093_12_12_16 Odor Control Loan Order \$800,000

COMM110_12_12_16 NHS Roof (Joint Ed)



City of Newburyport

FY 2017

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2016 DEC -6 P 3:49

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor

Date Submitted: 12/12/2016

Transfer From:

Account Name	Budget Contingency	YTD Bal:	\$	48,228.82
Account Number:	01129007-57805	Trans In:	\$	-
Amount:	\$38,919.76	Trans Out:	\$	(32,026.24)
Why are Funds Available:	<i>A contingency was budgeted for two collective bargaining agreements that were not complete at the start of the fiscal year.</i>			

Transfer To:

Account Name	SAL Deputy Chief	YTD Bal:	\$	61,540.70
Account Number:	01220001-51102	Trans In:	\$	-
Amount:	\$5,427.33	Trans Out:	\$	-
Why are Funds Required:	<i>To fund the first year of the newly ratified collective bargaining agreement between the City of Newburyport and Local 827 National Association of Firefighters AFL-CIO effective July 1, 2016.</i>			

Transfer To:

Account Name	SAL Firefighters	YTD Bal:	\$	1,245,863.27
Account Number:	01220001-51142	Trans In:	\$	-
Amount:	\$33,492.43	Trans Out:	\$	-
Why are Funds Required:	<i>To fund the first year of the newly ratified collective bargaining agreement between the City of Newburyport and Local 827 National Association of Firefighters AFL-CIO effective July 1, 2016.</i>			

Donna D. Holaday, Mayor
Ethan R. Manning, Auditor
City Council Approval: (Stamp)

Donna D. Holaday
Ethan R. Manning

Date: 12/6/16
Date: 12/6/16



City of Newburyport

FY 2017

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2016 DEC -6 P 3:49

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor

Date Submitted: 12/12/2016

Transfer From:

Account Name	Longevity	YTD Bal:	\$ 18,112.75
Account Number:	01220001-51401	Trans In:	\$ -
Amount:	\$7,270.47	Trans Out:	\$ -
Why are Funds Available:	<i>Longevity payments are being phased out due to retiring firefighters, therefore a surplus exists in this account.</i>		

Transfer To:

Account Name	SAL Firefighters	YTD Bal:	\$ 1,245,863.27
Account Number:	01220001-51142	Trans In:	\$ -
Amount:	\$7,270.47	Trans Out:	\$ -
Why are Funds Required:	<i>To fund the first year of the newly ratified collective bargaining agreement between the City of Newburyport and Local 827 National Association of Firefighters AFL-CIO effective July 1, 2016.</i>		

Donna D. Holaday, Mayor
Ethan R. Manning, Auditor
City Council Approval: (Stamp)

Date: 12/16/16
Date: 12/16/16

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

December 12, 2016

THAT, \$800,000 is appropriated to pay costs of odor control and facility upgrades at the City of Newburyport Wastewater Treatment Facility, consisting of clarifier covers and a biofilter odor control system and related improvements, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer with the approval of the Mayor, is authorized to borrow \$800,000 under and pursuant to M.G.L. c.44, s.7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; that any premium received by the City upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and that the Mayor and the Treasurer are authorized to take any other action necessary or convenient to carry out this vote.

Councillor Charles F. Tontar
Chair, Budget & Finance Committee

rela CI
B&F + SZ
SZ



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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: December 12, 2016
Re: Firefighters Union – Tentative Agreement

The following is a summary of the agreement that has been reached in principle for FY16-FY19 with the International Association of Firefighters bargaining unit, Local 827. The City has agreed to the terms contained herein subject to the appropriation by the City Council. Local 827 voted to ratify the terms of this agreement on November 1st.

• **Article 9, Section 1 – Vacations:**

1. Employees hired prior to July 1, 2016 will receive vacation as follows:
 - 2 weeks from one year up to five years of service
 - 3 weeks after 5 years of service
 - 4 weeks after 10 years of service
 - 5 weeks after 15 years of service (prior contract had after 20 years)
 - 6 weeks after 20 years of service (prior contract had after 25 years)
2. Employees hired July 1, 2016 or after will receive vacation as follows:
 - 2 weeks from one year up to five years of service
 - 3 weeks after 5 years of service
 - 4 weeks after 10 years of service
 - 5 weeks after 15 years of service
3. Changes the number of firefighters per shift allowed to take a vacation from 1 to 2 during non-prime times and from 2 to 3 during prime times (June 1 – August 31).

• **Article XII, Section 1 – Sick Leave Buyback:**

1. Adds a section stating that employees hired after July 1, 2016, will be eligible to buyback 50% of accrued sick leave upon retirement or death up to a maximum of 120 days. This is a decrease of 20 days from the prior contract. The revised sick leave buyback is as follows:
 - Hired prior to July 1, 2014: 50% of sick leave up to 150 days.

- Hired after July 1, 2014 through June 30, 2016: 50% of sick leave up to 140 days.
 - Hired July 1, 2016 and after: 50% of accrued sick leave up to 120 days.
2. Adds optional sick leave cash program for employees hired prior to July 1, 2016 as follows:

Beginning in FY2018, employees with 10 or more years of service shall be eligible to be paid out 50% of their sick leave accrual, up to a maximum of 25 days per year at 90% of their daily rate. Employees who exercise this option must retain at least 50 days in sick leave accrual. This can be done twice over an employee's career for a maximum of 50 days in total. Any sick leave paid out during employment will be deducted from the payout upon retirement or death. Payout requests must be made by December 1st of the prior fiscal year to provide the City with the requisite notice and opportunity to budget for the necessary funds. A form is provided as an appendix for such requests.

- **Article XVI – Wages**

1. Increased wages by the following schedule:

FY17: 2.0% effective 7/1/2016

FY18: 2.0% effective 7/1/2017

FY19: 2.0% effective 7/1/2018

2. Additional step increase of 3% after 15 years.

- **Article XXI, Section 3 – Schooling**

Changes methodology and timing of \$200 education stipend.

- **Article XXIV, Section 1 – Miscellaneous**

1. Fire Alarm Work: clarified wording.
2. Changes replacement of lost check policy from "on demand" to next regular pay date. Union refused to accept mandatory direct deposit and this change was to eliminate unnecessary administrative costs resulting in the replacement of lost live checks.

- **Article XXV, Section 1 – Hazardous Materials and Decontamination Stipend**

The Haz-Mat & Decon stipend will increase to \$1,000 (from \$750) for FY17, and then to \$1,350 for FY18 and FY19.

- **Article XXVI, Section 1 – Duration:** Language changed to reflect the duration of the contract to cover the period from July 1, 2016 to June 30, 2019.

The cost of this contract will be transferred from the Budget Contingency and surplus accounts via transfers submitted by the Finance Director.



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

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

978-465-4413 PHONE

978-465-4402 FAX

1011 DEC -6 P 2:22

BoF/JK

To: President O'Brien and City Councilors

From: Donna D. Holaday, Mayor

Date: December 6th, 2016

Subject: Newburyport High School Roof

Attached you will find a draft Statement of Interest (SOI) to be finalized and submitted to the MA School Building Authority (MSBA) for the Accelerated Repair Program for repairs to the Newburyport High School roof. The roof repairs have been identified as a priority by the school department and were included in our latest 5 year Capital Improvement Plan.

The roof sections in need of repair are part of the original building that was constructed in 1937 and the last roof installation to this section occurred in 1995. Steve Bergholm, Facilities Director, has prepared this SOI that provides great detail of the status of the building and roof.

The MSBA Accelerated Repair Program will open for acceptance of SOI applications on or around Jan. 6th, 2017. As you are holding only one meeting in December, it is important to get the SOI into the packet so a 2nd reading can occur at your next meeting on Jan. 9th, 2017 following the opening of submissions. Estimates for the roof repairs are still being finalized but it appears we will need around \$750,000 for the repairs. If accepted into the program we could realize a 50% cost-share of the project.

Steve Bergholm will be available to meet with committee(s) assigned to review the project and SOI.

Thank you

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 9, 2017

Resolved: Having convened in an open meeting on January 9, 2017, prior to the closing date, the City Council of Newburyport, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated _____ for the Newburyport High School located at 241 High Street which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future:

Priority 5: Replacement of roofing on the Building A portion of Newburyport High School due to age deterioration and leakage, including flat sections of roofing over the east and west classroom wings, auditorium, and library, totaling 35,100 square feet as well as the 6,000 square foot asphalt-shingled pitched roof section over the main center section of the building.

And hereby further specifically acknowledges that by submitting this Statement of Interest form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City to filing an application for funding with the Massachusetts School Building Authority.

Councillor Larry G. Giunta

Name of School: Newburyport High School

Massachusetts School Building Authority

School District: Newburyport

District Contact: Steve Bergholm, Director of Facilities
978.465.4440 x5008

Name of School: Newburyport High School

Submission Date: TBD

SOI CERTIFICATION

To be eligible to submit a Statement of Interest (SOI), a district must certify the following:

- ✓ The district hereby acknowledges and agrees that this SOI is NOT an application for funding and that the submission of this SOI in no way commits the MSBA to accept an application, approve an application, provide a grant or any other type of funding, or places any other obligation on the MSBA.
- ✓ The district hereby acknowledges that no district shall have any entitlement to funds from the MSBA, pursuant to M.G.L. c.70B or the provisions of 963 CMR 2.00.
- ✓ The district hereby acknowledges that the provisions of 963 CMR 2.00 shall apply to the district and all projects for which the district is seeking and/or receiving funds for any portion of a municipally-owned or regionally-owned school facility from the MSBA pursuant to M.G.L. c.70B.
- ✓ The district hereby acknowledges that this SOI is for one existing municipally-owned or regionally-owned public school facility in the district that is currently used or will be used to educate public Pre-K -12 students and that the facility for which the SOI is being submitted does not serve a solely early childhood or Pre-K student population.
- ✓ After the district completes and submits this SOI electronically, the district must sign the required certifications and submit one signed original hard copy of the SOI to the MSBA, with all of the required documentation described under the "Vote" tab, on or before the deadline.
- ✓ The district will schedule and hold a meeting at which the School Committee will vote, using the specific language contained in the "Vote" tab, to authorize the submission of this SOI. This is required for cities, towns, and regional school districts.
- ✓ Prior to submission of the hard copy of the SOI, the district will schedule and hold a meeting at which the City Council/Board of Alderman or Board of Selectmen/equivalent governing body will vote, using the specific language contained in the "Vote" tab, to authorize the submission of this SOI. This is not required for regional school districts.
- ✓ On or before the SOI deadline, the district will submit the minutes of the meeting at which the School Committee votes to authorize the Superintendent to submit this SOI. The district will use the MSBA's vote template and the vote will specifically reference the school and the priorities

Name of School: Newburyport High School

for which the SOI is being submitted. The minutes will be signed by the School Committee Chair. This is required for cities, towns, and regional school districts.

- ✓ The district has arranged with the City/Town Clerk to certify the vote of the City Council/Board of Alderman or Board of Selectmen/equivalent governing body to authorize the Superintendent to submit this SOI. The district will use the MSBA's vote template and submit the full text of this vote, which will specifically reference the school and the priorities for which the SOI is being submitted, to the MSBA on or before the SOI deadline. This is not required for regional school districts.
- ✓ The district hereby acknowledges that this SOI submission will not be complete until the MSBA has received all of the required vote documentation and certification signatures in a format acceptable to the MSBA. If Priority 1 is selected, your Statement of Interest will not be considered complete unless and until you provide the required engineering (or other) report, a professional opinion regarding the problem, and photographs of the problematic area or system.

Chief Executive Officer*

School Committee Chair

Superintendent of Schools

(print)

(print)

(print)

(sign)

(sign)

(sign)

(date)

(date)

(date)

*Local chief executive officer: In a city or town with a manager for of government, the manager of the municipality; in other cities, the mayor; and in other towns, the board of selectmen unless, in a city or town, some other municipal office is designated to the chief executive office under the provisions of a local charter. Please note, in districts where the Superintendent is also the Local Chief Executive Officer, it is required for the same person to sign the Statement of Interest Certifications twice. Please do not leave any signature lines blank.

Name of School: Newburyport High School

Massachusetts School Building Authority

School District: Newburyport

District Contact: Steve Bergholm, Director of Facilities
978.465.4440 x5008

Name of School: Newburyport High School

Submission Date: TBD

The following priorities have been included in the Statement of Interest:

- Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.

SOI Vote Requirement

- I acknowledge that I have reviewed the MSBA's vote requirements for submitting an SOI which are set forth in the Vote Tab of this SOI. I understand that the MSBA requires votes from specific parties/governing bodies, in a specific format using the language provided by the MSBA. Further, I understand that the MSBA requires certified and signed vote documentation to be submitted with the SOI. I acknowledge that my SOI will not be considered complete and, therefore, will not be reviewed by the MSBA unless the required accompanying vote documentation is submitted to the satisfaction of the MSBA.

Potential Scope: Accelerated Repair-Roof

Is this SOI the District Priority SOI? Yes

School name of the District Priority SOI: Newburyport High School

Is this part of a larger facilities plan? Yes-Capital Improvement Plan

If "yes" please provide the following:

- Facilities Plan Date: Continuously Updated
- Planning Firm: Internal
- Please provide an overview of the plan including enough detail to describe the plan, its goals and how the school facility fits into that plan:

The Newburyport Public Schools, working with the City of Newburyport, updates a 5-year Capital Improvement Plan annually. This plan lists capital needs for all school facilities across the district. The

Name of School: Newburyport High School

CIP is presented by the Director of Facilities to, and approved by the School Committee before being sent to the Mayor and City Council for prioritization with other capital needs across the city. Funding is appropriated as available.

Please provide the current student to teacher ratio at the school facility that is the subject of this SOI:

Answer: 9.5 students per teacher (774 students, 81 teachers)

Please provide the originally planned student to teacher ratio at the school facility that is the subject of this SOI:

Same as above

Does the District have a Master Educational Plan that includes facility goals for this building and all school buildings in the district?

The City currently has a "draft" Master Plan; also the Capital Plan (see below from City Charter).

Does the District have related report(s)/document(s) that detail its facilities, student configurations at each facility, and District operational budget information, both current and proposed?

If "YES", please provide title, author, and date of report in area below.

BeSafe Technologies, Inc. School Specific Information Binder. Also, site maps

Please include a hard copy of these report(s)/documents(s) with your hard copy Statement of Interest submittal.

Due to safety issues, we do not share the layouts of the schools

Is there overcrowding at the school facility? NO

If "YES", please describe in detail, including specific examples of the overcrowding.

Has the district had any recent teacher layoffs or reductions? YES

If "YES", how many teaching positions were affected? .9 FTE

At which school in the district? Bresnahan and at the High School

Please describe the types of teacher positions that were eliminated (e.g. art, math, etc)

Bresnahan Elementary: .2 physical education; .1 art; .1 music

NHS: .1 Business; .1 World Language; .2 Science

Has the district had any recent staff layoffs or reductions? YES

If "YES", how many staff positions were affected? 1

Name of School: Newburyport High School

At which school in the district? Bresnahan Elementary

Please describe the types of staff positions that were eliminated (e.g. guidance, administrator)

.2 Library assistant at Bresnahan

Please provide a description of the program modifications as a consequence of these teacher and/or staff reductions, including impact on district class sizes and curriculum.

None

Please provide a description of your most recent budget approval process including a description of any budget reductions and the impact of those reductions on the district's school facilities, class sizes, and educational program.

City Charter excerpt:

ARTICLE 6

FINANCE AND FISCAL PROCEDURES SECTION 6-1: FISCAL YEAR

The fiscal year of the city shall begin on the first day of July and shall end on the last day of June, unless another period is required by general law.

SECTION 6-2: ANNUAL BUDGET MEETING

The mayor shall call a joint meeting of the city council and school committee, to include the superintendent of schools, before the commencement of the annual budget process to review the financial condition of the city, revenue and expenditure forecasts, and other relevant information prepared by the mayor in order to develop a coordinated budget.

SECTION 6-3: SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE

No later than May 15 of each year, the mayor shall submit to the city council a proposed operating budget for all city agencies, which shall include the school department, for the ensuing fiscal year with an accompanying budget message and supporting documents. The budget message submitted by the mayor shall indicate the mission statement of the city and explain the goals of the operating budget in fiscal terms and in terms of work programs for services provided by all city agencies. It shall outline the proposed fiscal policies of the city for the ensuing fiscal year, describe important features of the proposed operating budget and indicate any major variations from the current operating budget, fiscal policies, revenues and expenditures together with reasons for these changes. The proposed operating budget shall provide a complete fiscal plan of all city funds and activities and shall be in the form the mayor deems desirable. The school budget, as adopted by the school committee shall be submitted to the mayor at least 10 days before the submission of the proposed operating budget to the city council. The mayor shall notify the school committee of the date by which the proposed budget of the school committee shall be submitted to the mayor. The mayor and the superintendent of schools shall coordinate the dates and times of the school committee's budget process under the General Laws.

SECTION 6-4: ACTION ON THE OPERATING BUDGET

Public Hearing - The city council shall publish in at least one (1) local newspaper a notice of the proposed operating budget as submitted by the mayor. The notice shall state (1) the times and places where copies of the entire proposed operating budget are available for inspection by the public, and

Name of School: Newburyport High School

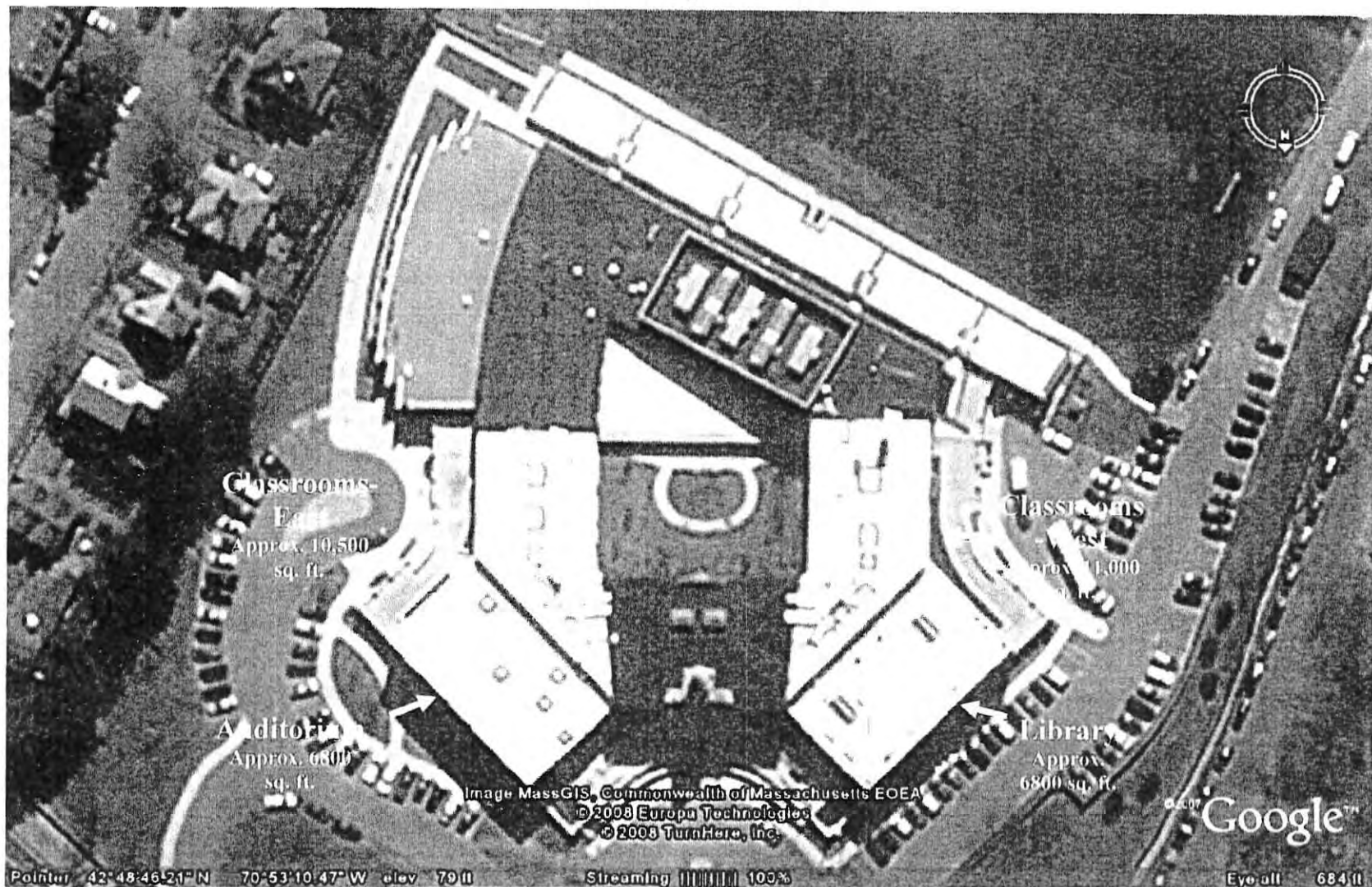
(2) the date, time and place not less than 14 days after its publication, when a public hearing on the proposed operating budget will be held by the city council.

Adoption of the Budget - The city council shall adopt the proposed operating budget, with or without amendments, within 45 days following the date the proposed budget is filed with the city clerk. In amending the proposed operating budget, the city council may delete or decrease any amounts except expenditures required by law, but except on the recommendation of the mayor, the city council shall not increase any item in or the total of the proposed operating budget, unless otherwise authorized by the general laws. If the city council fails to take action on any item in the proposed operating budget within 45 days after its receipt, that amount shall, without any action by the city council, become a part of the appropriations for the year, and be available for the purposes specified.

Availability of the Operating Budget - In addition to any other posting requirements under law, immediately after the submission of the proposed budget to the city council, the mayor shall cause the entire budget document to be posted on the city's website. Said proposed budget document shall remain posted during the city council review process contained in this Article. After the enactment of the budget, it shall be posted on the city's website and shall remain there throughout the fiscal year for which it is in effect. Said budget document shall reflect any amendments made by the city council and approved by the mayor and shall indicate that it is the final budget of the city.

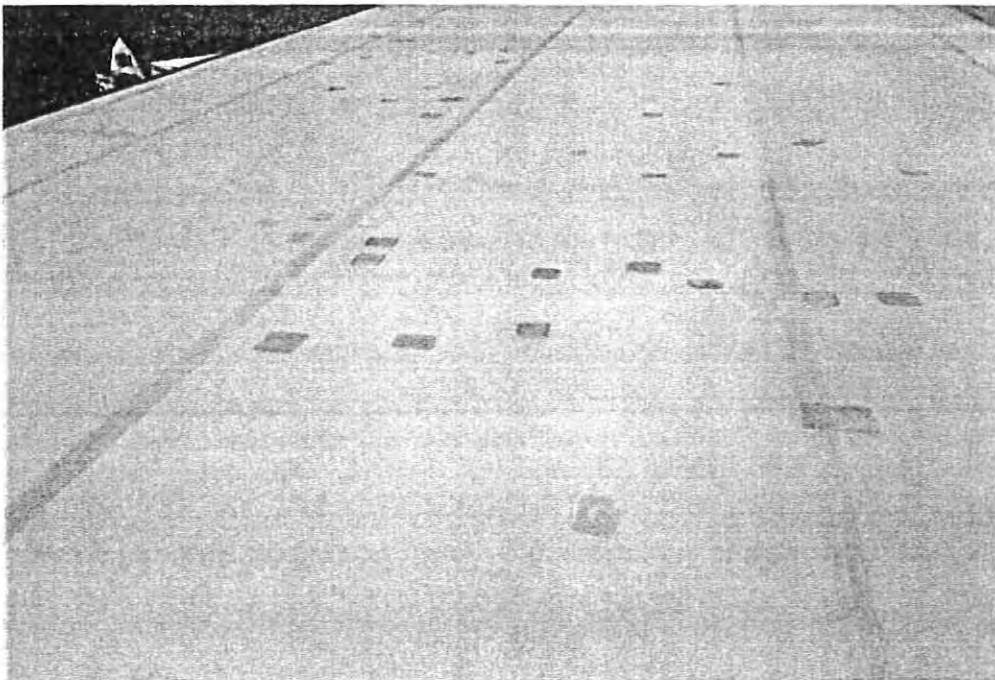
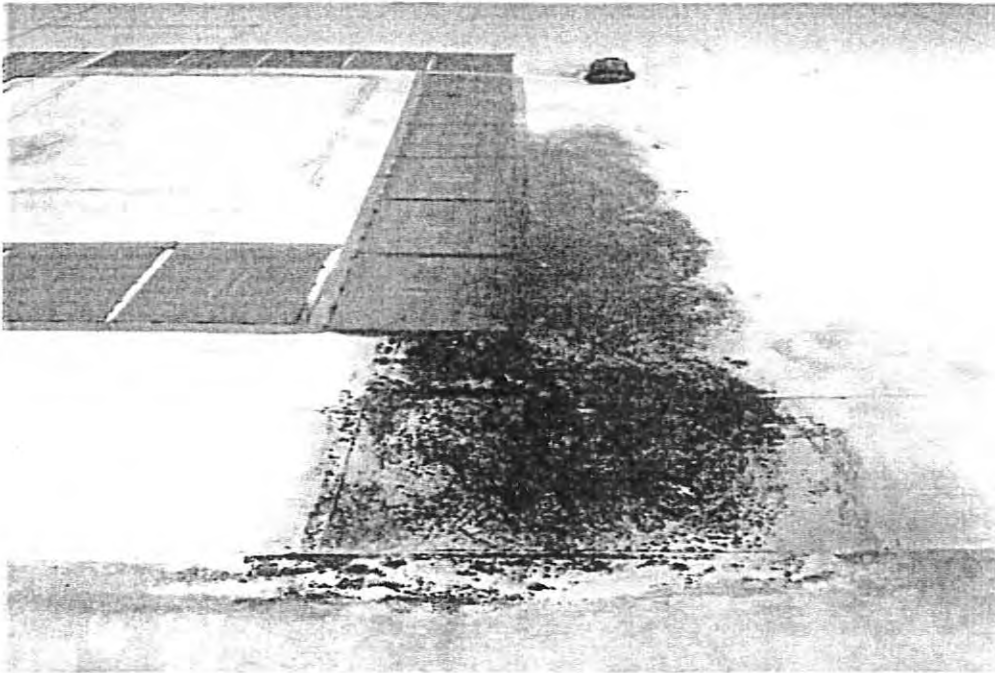
Availability of the School Budget - In addition to any other posting requirement under law, immediately after the submission of its approved school budget to the mayor, the school committee shall cause it to be posted on the school department website. Said budget document shall remain posted there during the review process contained in this Article. The final school budget as enacted shall be posted on the school department's website and shall remain there at least throughout the fiscal year for which it is in effect. Said budget document shall specify any revisions made to reflect any action by the city council and the mayor and it shall indicate that it is the final budget of the school department.

Newburyport High School
Capital Improvement Plan Item
Roof Replacement



Newburyport High School
Roof Inspection Photos
12.1.16

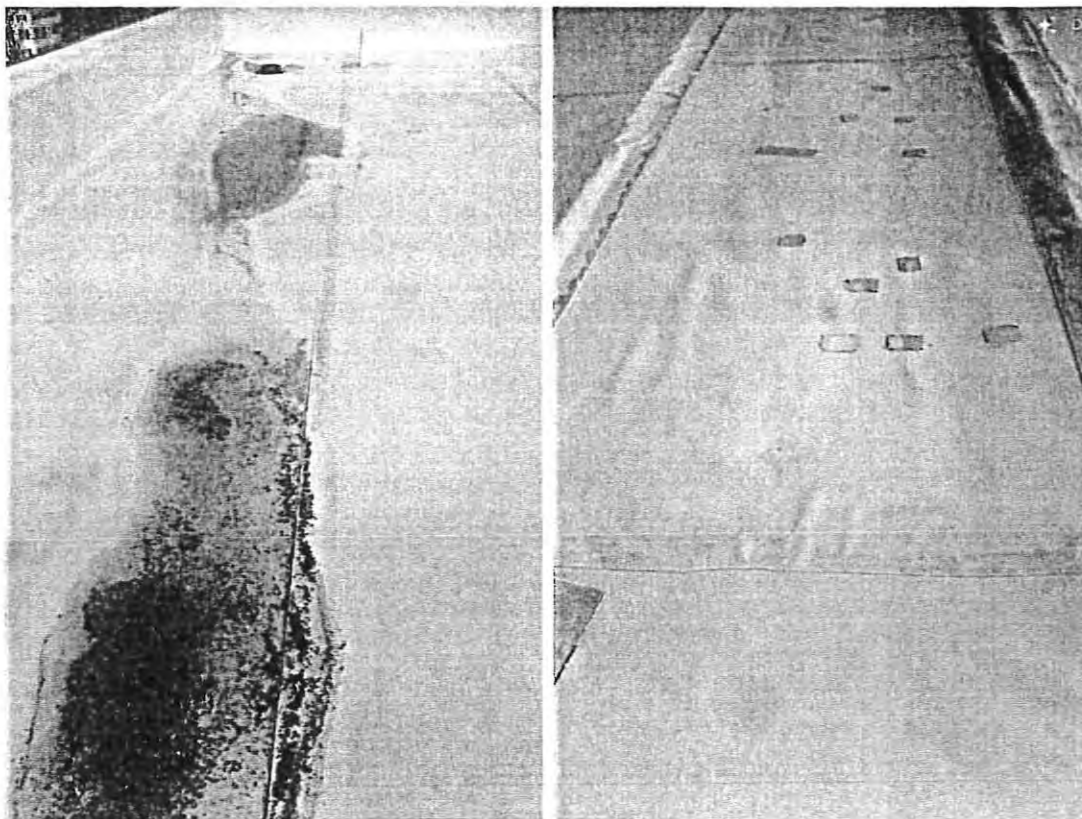
West Classroom Roof: Note ponding, excessive patches and patched area from removed mechanical equipment.



East Classroom Wing Roof: Note fastener poking up under membrane, water not reaching roof drains and tired insulation on ductwork.



Library Roof: Note excessive patches and water not reaching roof drain

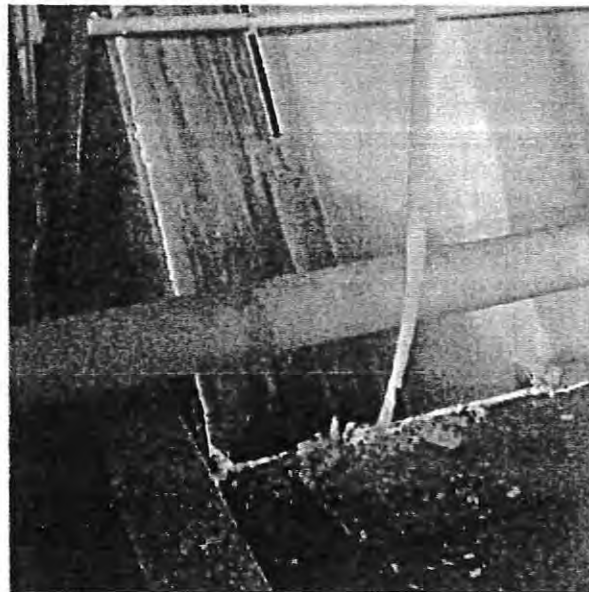
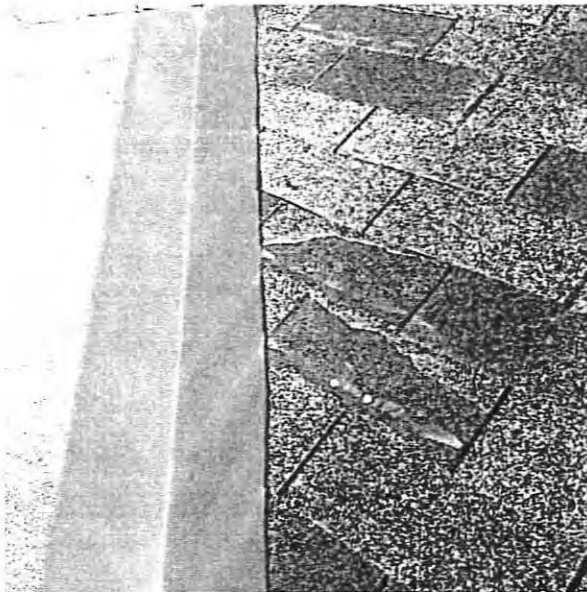
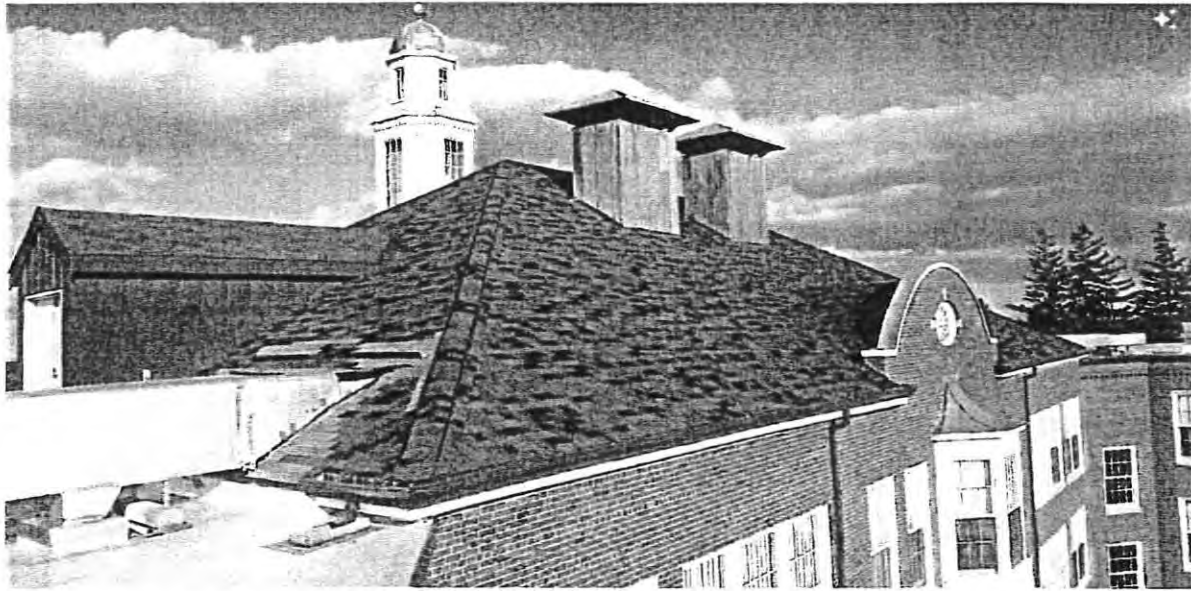


Auditorium Roof Section: Photo shows section of rising wall above roof that needs repointing



Pitched Roof Section:

- Top photo-backside of pitched roof showing exhaust and intake ducts (water is finding its way in around these ducts) along with ductwork coming out west side (notice patched area around duct where repairs have been made).
- Bottom right photo-damp area at base of cupola from recent rains.
- Bottom left photo-missing shingles blown off in a wind storm.



PLANNING & DEVELOPMENT COMMITTEE ITEMS

- **ORDR089_11_28_16** Order of Taking – 223 High Street

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

CITY OF NEWBURYPORT

ORDER OF TAKING

At a regularly convened meeting of the CITY COUNCIL of the CITY OF NEWBURYPORT held the 9th day of January 2017, it was voted and ordered as follows:

The City Council of the City of Newburyport, duly elected, qualified, and acting as such, on behalf of the City and by virtue of and in accordance with the authority of the provisions of Chapter 79 and Chapter 40, Section 14 of the General Laws, as amended, and of any and every other power and authority which is hereunto in any way enabling, does hereby take on behalf of the City, for open space and recreation purposes, including the construction and operation of a municipal ballfield, that parcel of land located at **223 High Street**, Newburyport, Essex County Massachusetts depicted as "Open Space Parcel 'Exclusive Use in Favor of City of Newburyport'", on the plan entitled "Lot Layout Plan, Hamilton Estates, Newburyport, MA. 01950, Prepared For Dr. Douglas A. Wine & Deborah Esteves Wine," prepared by Oculus, LLC., 15 Main Street, Salisbury, MA 01952, dated 04/05/10 with a most recent revised date of 9/04/12, a copy of

which plan is attached hereto as Exhibit A. Said parcel consists of approximately 30,768 square feet of land as shown on said plan.

A certified copy of said vote is attached hereto as Exhibit B and recorded herewith.

The lands affected by the herein taking are owned or supposedly owned by Gail Fons, Trustee, Manchester Capital Partners Trust #4, 2 Coventry Road, Atkinson, NH 03811 (Book 33938, Page 275), subject to a mortgage granted to Mark E. Wojcicki and Bradley M. Kutcher, Trustees of Elite Builders Realty Trust recorded with the aforesaid Registry in Book 33938, Page 282, as assigned to Newburyport Five Cents Savings Bank by instrument recorded with said Registry in Book 33938, Page 306, and as further subject to a mortgage granted to John T. O'Malley recorded with said Registry in Book 34392, Page 492. If in any instance the name of the Owner is not correctly stated, it is understood that in such instance the land referred to is owned by an Owner or Owners unknown to us.

Said owner, and all mortgagees of record have executed a "Waiver of Appraisal and Damages" with respect to this taking, which shall remain on file with the City of Newburyport, and we therefore award no damages to said owner and/or mortgagees for the herein taking in accordance with said Waivers. No betterments are to be assessed under this taking.

IN WITNESS WHEREOF, I, the duly elected and qualified president of the City Council of the City of Newburyport, acting as the duly authorized representative of said Council, have hereunto set my hand and seal as of this ____ day of January, 2017.

CITY OF NEWBURYPORT
By its City Council

Thomas F. O'Brien, President

Approved:

Mayor Donna D. Holaday

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this ____ day of January, 2017, before me, the undersigned Notary Public, personally appeared _____, President of the City Council of the City of Newburyport, as aforesaid, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the City of Newburyport.

(Official Signature and Seal of Notary)

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this ____ day of January, 2017, before me, the undersigned Notary Public, personally appeared _____, Mayor of the City of Newburyport, as aforesaid, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the City of Newburyport.

(Official Signature and Seal of Notary)

Exhibit A

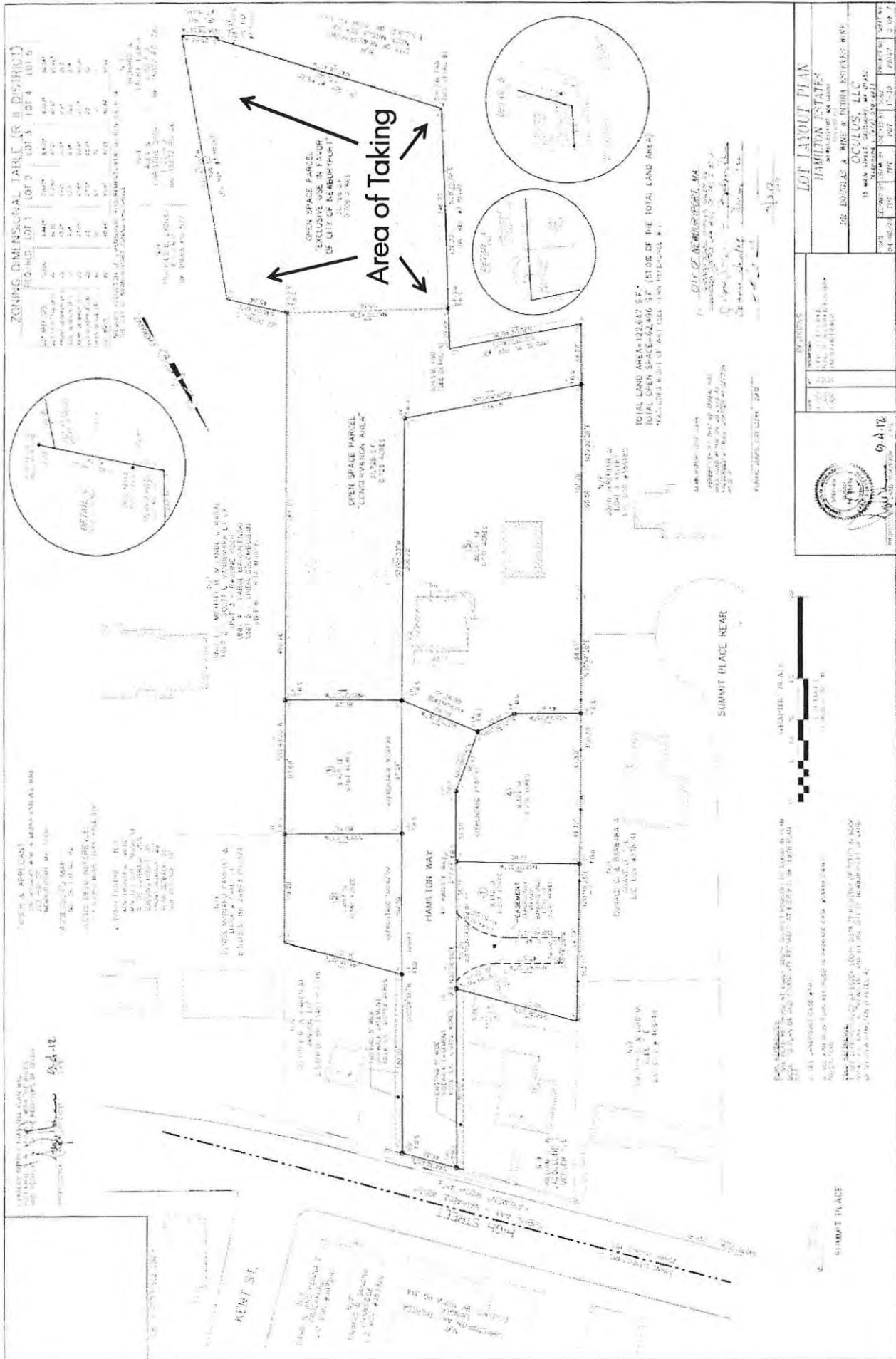
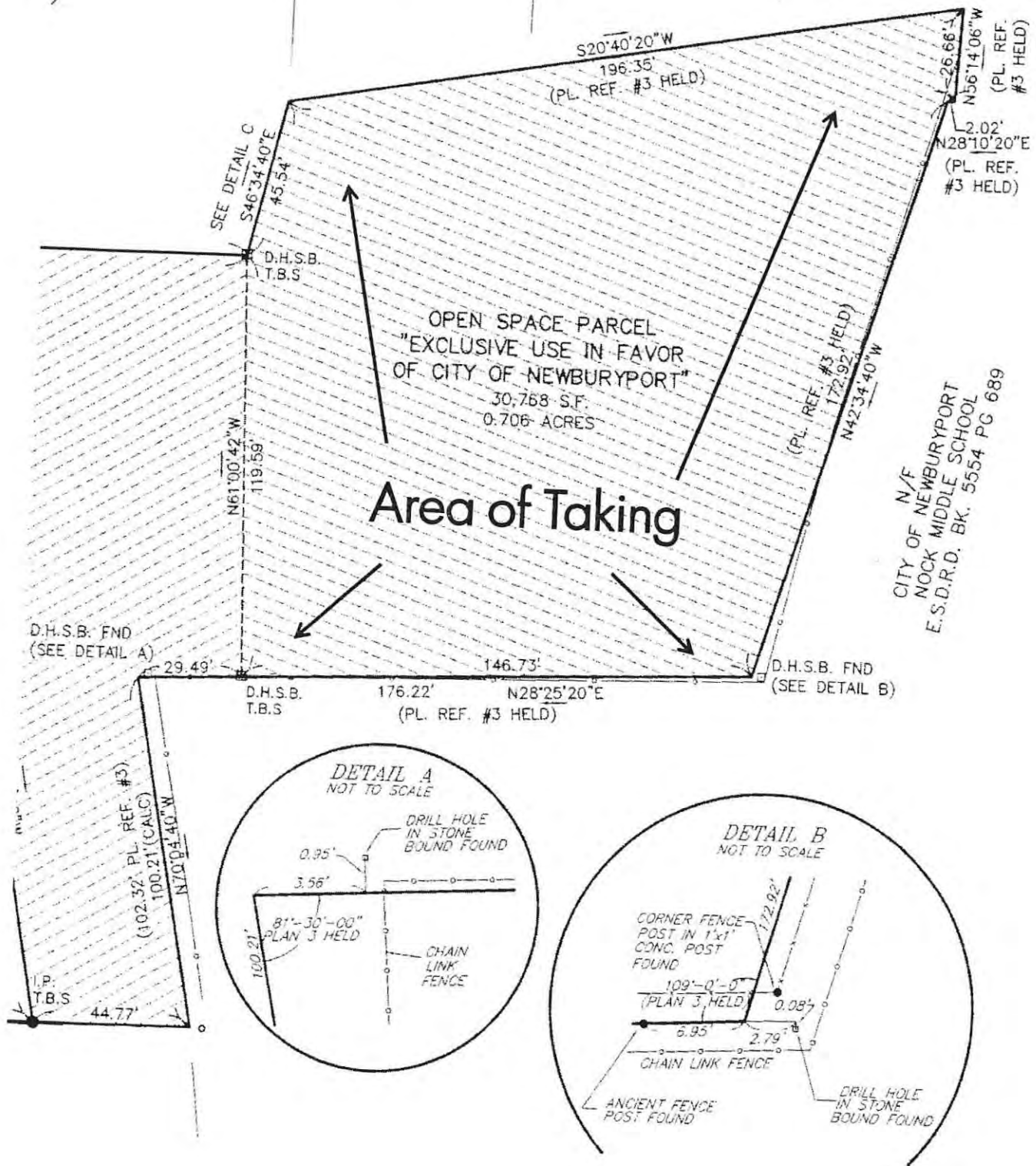


Exhibit A

FRANCES E. LYONS
E.S.D.R.D.
BK 15066 PG 577

E.S.D.R.D.
BK. 15872 PG 26



CITY OF NEWBURYPORT



IN CITY COUNCIL

Exhibit B

ORDERED:

January 9, 2017

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

THAT the City Council of the City of Newburyport hereby approve and authorize the permanent taking of a portion of that property located at 223 High Street for open space and recreation purposes, including the construction and operation of a municipal ballfield, in accordance with the attached draft "Order of Taking." Further, that the Council President is hereby authorized to sign said Order of Taking in its final form on behalf of the Council, and that the Mayor of the City of Newburyport is hereby authorized to act on behalf of the City and enter into any and all instruments or actions necessary to execute this Order of Taking accordingly.

Councillor Robert J. Cronin

PUBLIC SAFETY COMMITTEE ITEMS

- **COMM098_10_31_16** Use of Streets for "Most Pine Boards Broken in One Minute"
- **COMM101_11_14_16** Walk MS Newburyport on 4/1/2017
- **ORDR086_11_28_16** Stop Signs for Chestnut St and Oak St
- **COMM113_12_12_16** Snow and Ice Plan 2016-2017
- **ORDR090_12_12_16** Parking Restriction – High St at Ashland St
- **ORDR091_12_12_16** Parking Restriction - Howard St at Chapel St
- **ORDR092_12_12_16** Stop Sign – Howard St at Chapel St

ps



CITY OF NEWBURYPORT

CITY COUNCIL

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

IN CITY COUNCIL:

ORDERED:

Date: September 12, 2016

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

Street: Daniel Lucy Way

Restriction: On the easterly side from Storey Avenue for a distance of 1,060 feet there shall be no parking during athletic events at the Cherry Hill Soccer field and from Curzon Mill Road for a distance of 475 feet there shall be no parking during athletic events at Maudsley State Park.

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

Councillor O'Brien



October 24, 2016

Mr. Richard Jones
City Clerk
City of Newburyport
60 Pleasant St.
Newburyport, MA

Dear Clerk Jones:

The Greater Newburyport Chamber of Commerce & Industry in conjunction with its member Arwood Machine Corporation, 95 Parker Street, Newburyport kindly requests the "use of streets" in the downtown for the following event:

An event to Break the Guinness Book of World Records for the "Most pine boards broken in one minute"

Saturday, January 14, 2017

12 – 2 PM

Pleasant Street from Richdale to AliKat (corner of Prince and Pleasant)

Mr. Robert Anctil who holds a 7th degree Black Belt from Arwood Machine along with event sponsor Mr. Michael Munday from Arwood Machine Corporation are coordinating this event to raise funds for the "Wounded Warrior Project."

We would like to request that Pleasant Street from Richdale to AliKat Street be closed from 7 AM – 3 PM that day. This event would benefit downtown retail and restaurants during a traditionally slow period in January after the holidays. In the event of a snow emergency called by the City we would cancel the event. We will be working with the Newburyport Police Department on street closure protocol and notification to businesses and residents.

We are happy to answer any questions that you may have. Thank you for your time.

Sincerely,

Ann Ormond
President

NEWBURYPORT SPECIAL EVENT APPLICATION

PS

Tel.

Fax.

(For Parades, Road Races and Walkathons Only - Please complete page 3 of this application)

2015 OCT 31 P 20

NAME OF EVENT: 6th Walk 4MS NewburyportDate: 4-1-2017 Time: from 10am to 2pmRain Date: N/A Time: from _____ to _____2. Location: Newburyport High School3. Description of Property: High School Public ☒ Private _____4. Name of Organizer: Emily Christian City Sponsored Event: Yes _____ No ☒

Contact Person

Address: 1019 First Ave Suite 6 Newburyport, MA 02451 Telephone: 781-693-5154E-Mail: emily.christian@nms.org Cell Phone: 434-426-4299Day of Event Contact & Phone: Danielle Parnessa 978-729-42605. Number of Attendees Expected: 7506. MA Tax Number: 13-56619357. Is the Event Being Advertised? Yes Where? Online8. What Age Group is the Event Targeted to? All ages9. Have You Notified Neighborhood Groups or Abutters? Yes _____ No ☒ Who? _____

ACTIVITIES: (Please check where applicable.) Subject to Licenses & Permits from Relevant City Departments

A. Vending: Food _____ Beverages _____ Alcohol _____ Goods _____ Total # of Vendors _____

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music _____ DJ ☒ Radio/CD _____

Performers _____ Dancing _____ Amplified Sound _____ Stage _____

C. Games /Rides: Adult Rides _____ Kiddie Rides _____ Games _____ Raffle _____

Other _____ Total # _____

Name of Carnival Operator: _____

Address: _____

Telephone: _____

D. Organizer is responsible for clean-up during and after event. All trash must be collected and removed from event location immediately at the end of the event unless prior written agreement had been made with the Department of Public Services (DPS).

Will you be conducting the clean-up for this event? Yes ☒ No _____

If yes:

- a) How many trash receptacles will you be providing? 60
- b) How many recycling receptacles will you be providing? Just trashbags
- c) Will you be contracting for disposal of : Trash Yes No X Recycling Yes No X
- i. If yes, size of dumpster(s): Trash Recycling
- ii. Name of disposal company: Trash Recycling
- iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes X No
- iv. If no, where will the trash & recycling be disposed ?

If no:

- a) # of trash container(s) to be provided by DPS
- b) # of recycling container(s) to be provided by Recycling Office
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

All fees must be paid prior to the event. Check or money order is payable to the City of Newburyport.

E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)

4 Standard # 2 ADA accessible

Name of company providing the portable toilets: Dave's Septic

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____ ROAD RACE _____ WALKATHON X

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

National MS Society

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

101A First Ave Suite 6 Waltham, MA 02451 781-693-5154

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

101A First Ave Suite 6 Waltham, MA 02451 978-729-4260

4. Date of Event: 4.1.2017 Expected Number of Participants: 750

5. Start Time: 10am Expected End Time: 2pm

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

High St, Ashland St, Merrimack St, Water St, Marlboro St

7. Locations of Water Stops (if any): Sage Flats / Cashman Park

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

9. Formation Location & Time for Participants: Newburyport High School 10am

10. Dismissal Location & Time for Participants: Newburyport High School 2pm

11. Additional Parade Information: N/A

• Number of Floats: _____

• Locations of Viewing Stations: _____

• Are Weapons Being Carried: Yes _____ No _____

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

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

CITY MARSHAL [Signature] 4 Green St. FIRE CHIEF [Signature] 0 Greenleaf St.

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

Lt Surma / Police
Rev. 12/15

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____ ROAD RACE _____ WALKATHON X

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

National MS Society

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

101A First Ave Suite 6 Waltham, MA 02451 781-643-5154

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

101A First Ave Suite 6 Waltham, MA 02451 978-729-4260

4. Date of Event: 4.1.2017 Expected Number of Participants: 750

5. Start Time: 10am Expected End Time: 2pm

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

High St, Ashland St, Merrimack St, Water St, Marlboro St

7. Locations of Water Stops (if any): Sugar Flats / Cranston Park

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

9. Formation Location & Time for Participants: Newburyport High School 10am

10. Dismissal Location & Time for Participants: Newburyport High School 2pm

11. Additional Parade Information: N/A

• Number of Floats: _____

• Locations of Viewing Stations: _____

• Are Weapons Being Carried: Yes _____ No _____

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

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

CITY MARSHAL _____ 4 Green St FIRE CHIEF [Signature] 6 Greenleaf St

DEPUTY DIRECTOR _____ 16A Ferry Way CITY CLERK _____ 60 Pleasant St

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____

ROAD RACE _____

WALKATHON X

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

National MS Society

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

101A First Ave Suite 6 Waltham, MA 02451 781-643-5154

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

101A First Ave Suite 6 Waltham, MA 02451 978-727-4260

4. Date of Event: 4.1.2017 Expected Number of Participants: 750

5. Start Time: 10am Expected End Time: 2pm

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

High St, Ashland St, Merrimack St, Winter St, Marlboro St

7. Locations of Water Stops (if any): Sage's Flats, Cushman Park

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

9. Formation Location & Time for Participants: Newburyport High School 10am

10. Dismissal Location & Time for Participants: Newburyport High School 2pm

11. Additional Parade Information: N/A

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

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

CITY MARSHAL _____ 4 Green St. FIRE CHIEF _____ 0 Greenleaf St.

DEPUTY DIRECTOR _____ 16A Perry Way CITY CLERK _____ 60 Pleasant St.

DEPARTMENT APPROVAL (for Committee Member use only):

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

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

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

Limitations

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

- (e) *"Road Closure"* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents ten (10) days in advance that neighborhood roads will be closed if no alternate route is available to those residents.
- (f) *"Insurance"* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an insured. The policy shall be no less than two million dollars (\$2,000,000.00).
- (g) *"Event termination"* If in the judgment of the City Marshal, Fire Chief or Department of Public Services (DPS) Director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the Harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.
- (h) *"Event and traffic Security"* The City Marshal, Fire Chief, DPS Director or in the case of a triathlon, the Harbormaster can require special duty personnel to oversee the safety and security of the event. All special duty assignments will be paid by the event organizers.
- (i) *"Clean-up"* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

13-101 Enforcement

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

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

Signed:  Date: 10-14-16



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/04/2016

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

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

PRODUCER MARSH USA, INC. 445 SOUTH STREET MORRISTOWN, NJ 07960-6454 Attn: Morristown CertRequest@marsh.com Fax: 212-948-0979	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL: ADDRESS:	FAX (A/C, No):
WALTH	INSURER(S) AFFORDING COVERAGE	
INSURED NATIONAL MULTIPLE SCLEROSIS SOCIETY GREATER NEW ENGLAND CHAPTER 101A FIRST AVENUE, STE 6 WALTHAM, MA 02451	INSURER A: Federal Insurance Company	NAIC # 20281
	INSURER B: ACE Property and Casualty Insurance Company	20699
	INSURER C: Employers Insurance Company Of Wausau	21458
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES

CERTIFICATE NUMBER:

NYC-007969977-13

REVISION NUMBER: 2

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOG OTHER:		3583-33-49	12/31/2015	12/31/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS		7353-02-37	12/31/2015	12/31/2016	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Comp/Coil Deductible \$ 1,000
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTIONS 10,000		MC0552835 005	12/31/2015	12/31/2016	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N N/A	WCC-291-451053-015	12/31/2015	12/31/2016	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

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

THE CERTIFICATE HOLDER IS ADDED AS AN ADDITIONAL INSURED EXCLUDING WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY POLICY AS REQUIRED BY WRITTEN CONTRACT BUT LIMITED TO THE OPERATIONS OF THE INSURED UNDER SAID CONTRACT AND ALWAYS SUBJECT TO THE POLICY TERMS, CONDITIONS AND EXCLUSIONS.

CERTIFICATE HOLDER

CANCELLATION

CITY OF NEWBURYPORT
ATTN: JOHN MOAK
80 PLEASANT STREET
NEWBURYPORT, MA 01950

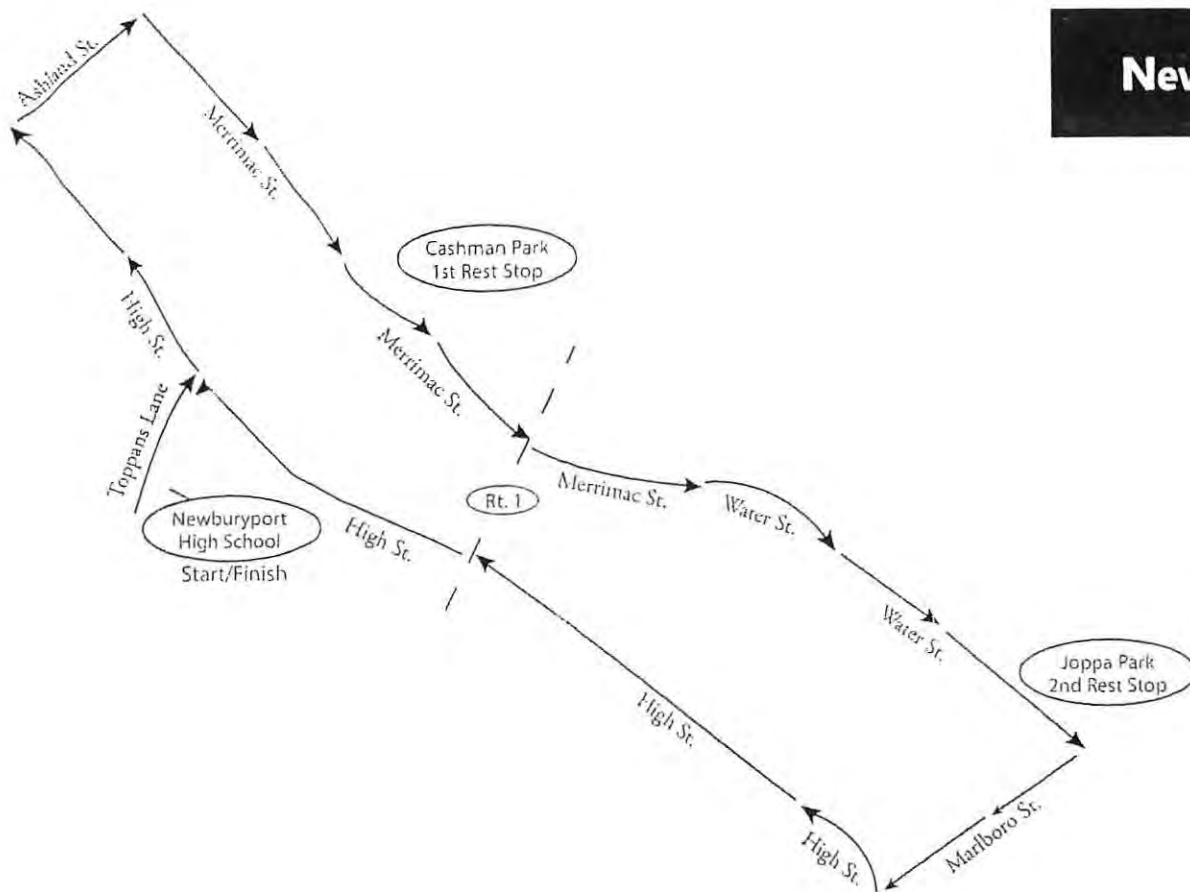
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
of Marsh USA Inc.

Manashi Mukherjee

Manashi Mukherjee

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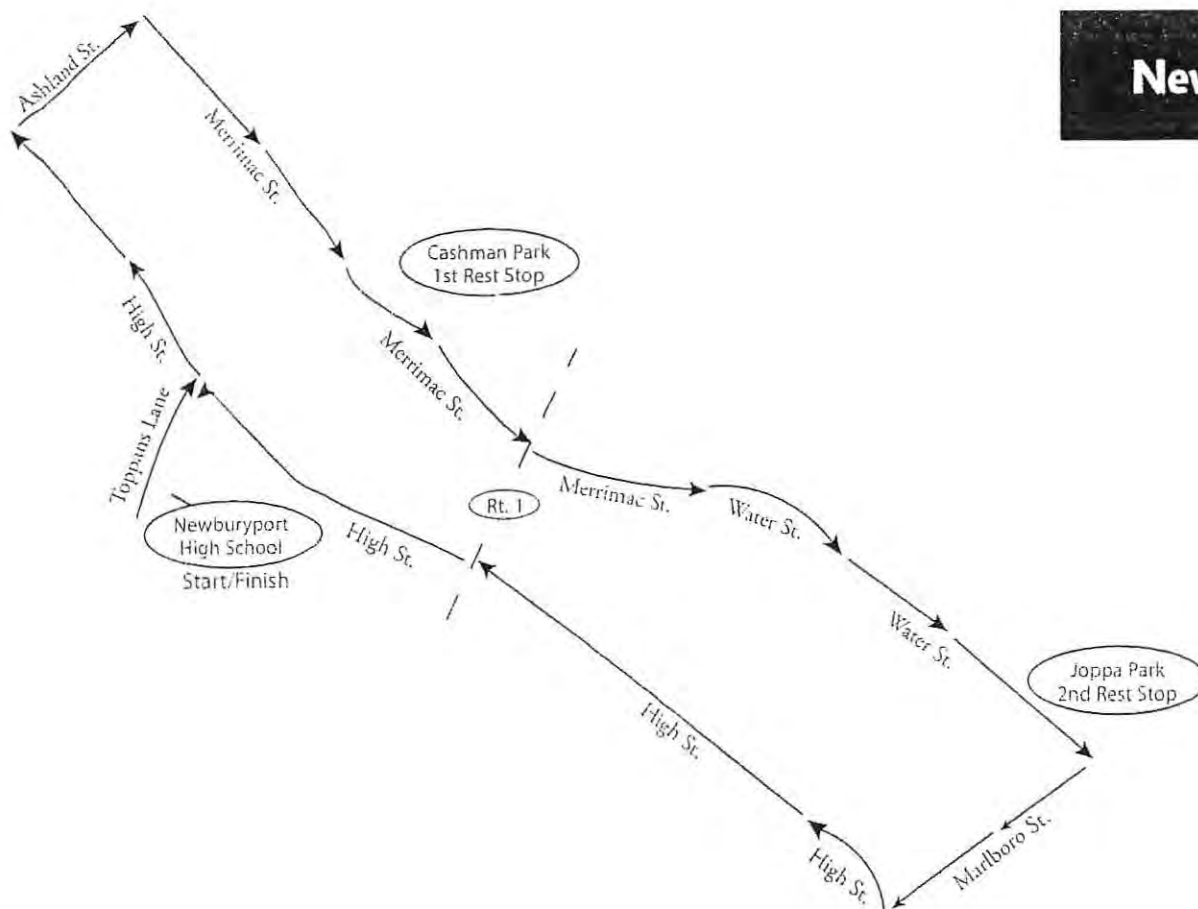
Newburyport

walk
MS

Walk

presented locally by

Biogen.



Newburyport

walk
MS

Walk

presented locally by

Biogen.

Walk MS Newburyport

Start/End Point:
Newburyport High School
241 High Street
Newburyport, Mass.

1. Exit the Highschool via Toppans Lane
2. Left onto High Street
3. Right onto Ashland Street
4. Right onto Merrimac St
5. Cross road at crosswalk at corner of Merrimac and Broad Streets
6. REST STOP 1 – Cashman Park
7. Exit Cashman Park and continue on Merrimac Street
8. Merrimac Street becomes Water Street
9. REST STOP 2 – Joppa Flats
10. Right onto Marlboro Street
11. Right onto High Street
12. Continue on High Street
13. Enter Highschool Via Toppans Lane

Walk MS Newburyport

Start/End Point:
Newburyport High School
241 High Street
Newburyport, Mass.

1. Exit the Highschool via Toppans Lane
2. Left onto High Street
3. Right onto Ashland Street
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6. REST STOP 1 – Cashman Park
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8. Merrimac Street becomes Water Street
9. REST STOP 2 – Joppa Flats
10. Right onto Marlboro Street
11. Right onto High Street
12. Continue on High Street
13. Enter Highschool Via Toppans Lane

THANK YOU TO OUR PREMIER NATIONAL SPONSOR

PRESENTED LOCALLY BY

 **NOVARTIS**
PHARMACEUTICALS

 **Biogen**

 **SANOFI GENZYME**

 **abbvie**

 **Bernie & Phyllis**
FURNITURE

 **EMD SERONO**

 **Spectrum**

 **enterprise**

 **ACORDA**
THERAPEUTICS

 **ALLCARE**
PLUS PHARMACY

 **brioVax**

 **STURDY**
MEDICAL HOSPITAL

 **TETRA TECH**

 **5abc**
WCVB TV/DT
BOSTON

Ameriprise Blue Cross Blue Shield of VT Burns & McDonnell Salem Five
Home Healthsmith LLC Reliant Medical Norton Insurance
NORTRAX/John Deere DJ Mark Watson Knight Productions

THANK YOU TO OUR PREMIER NATIONAL SPONSOR

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 **NOVARTIS**
PHARMACEUTICALS

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 **abbvie**

 **Bernie & Phyllis**
FURNITURE

 **enterprise**

 **ACORDA**
THERAPEUTICS

 **STURDY**
MEDICAL HOSPITAL

 **TETRA TECH**

Ameriprise Blue Cross Blue Shield of VT Burns & McDonnell Salem Five
Home Healthsmith LLC Reliant Medical Norton Insurance
NORTRAX/John Deere DJ Mark Watson Knight Productions



National
Multiple Sclerosis
Society
Greater
New England
Chapter

October 14, 2016

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

To Whom It May Concern:

On behalf of the National Multiple Sclerosis Society, Greater New England Chapter, I would like to extend our deep gratitude for the continuous support Newburyport has shown throughout the years for the annual Walk MS.

As we enjoy autumn, I have begun planning for the 2017 Walk MS Newburyport. This year's date is set for Saturday, April 1, from 10:00am to 3:00pm. I would like to request permission to host the Walk on this day. 750 participants are expected to take part in this annual event. The Walk is 5 miles, with the Start and Finish being held at the Newburyport High School. We will be using the same route as last year, and a certificate of liability insurance will be provided upon approval of this request.

The money raised will be used to advance our support of national research and to support local programming for the nearly 21,000 people within Maine, Massachusetts, New Hampshire, Vermont and Rhode Island who are affected by multiple sclerosis. The Greater New England Chapter prides itself on our many comprehensive local programs that improve the quality of life for people with MS and their families. These programs empower individuals with MS and provide them with the resources to maintain independence.

I thank you in advance for your support and please feel free to contact me at 781.693.5154 with any questions or concerns.

Sincerely,

Emily Christian
Development Manager
National MS Society, Greater New England Chapter
Emily.Christian@nmss.org

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date: November 22, 2016

THAT the City Council of the City of Newburyport hereby orders, pursuant to Code Section 13-136, that the following streets shall be designated as stop intersections:

Street: Chestnut Street

Intersection: Southeasterly drivers at the intersection of Chestnut Street at Marlboro Street

Street: Oak Street

Intersection: Northwesterly drivers at the intersection of Oak Street at Marlboro Street

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

Councillor Sharif I. Zeid



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

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: December 12, 2016

Subject: Snow and Ice Plan 2016-2017

Beginning in FY2016, the City Council requested that the Department of Public Services (DPS) submit an annual plan regarding the process of handling snow and ice events in the City. Attached is the updated Snow and Ice Plan for the 2016/2017 Season.

Removal of snow and ice from our public ways is one of the most critical jobs of our DPS Highway Division during the winter months. Ensuring that our roads and public ways are safe and passable is a priority. DPS department staff and independent plow contractors work together to ensure that our 70 miles of public roadways are attended during unfavorable weather conditions throughout the season.

We look forward to providing any additional information Council members may require.



City of Newburyport
Department of Public Services
SNOW AND ICE PLAN
2016 / 2017 Season

Donna D. Holaday, Mayor

Anthony J. Furnari, Director

Wayne S. Amaral, Deputy Director

INTRODUCTION

The City of Newburyport takes great pride in making our public roadways as safe as possible under the worst of winter conditions. Keeping our public ways safe and accessible during snow and ice events is of highest priority in order to reduce the likelihood of personal injury to the general public, automobile accidents and property damage. The City's goal is to quickly open the streets and make them passable so that essential vehicular traffic can safely negotiate roadways. Residents can help us do this by working together.

SNOW EMERGENCY PARKING BAN

The City of Newburyport implements a snow emergency parking ban when it is predicted that we will receive three or more inches of snow accumulation. If there is a parking ban in effect, it will appear on the City's website www.cityofnewburyport.com. To get email notifications from the website be sure to select the "Notify Me" button on the front page and sign up.

In addition, eleven flashing blue lights will be activated throughout the city at the following locations, usually at least six hours before a declared snow emergency:

March's Hill at Bromfield St.

Route 113 at Hoyt's Lane

Water St. at Shandel Dr.

Market Square

Storey Ave, Ferry Rd and Moseley Ave Intersection

Malcolm Hoyt Dr. at Parker St.

High St. @ State St.

Route 1 Rotary and State St.

Route 1 and Merrimac St.

Merrimac, Moseley and Spofford (Roundabout)

Storey Ave. across from Daniel Lucy Way

You may also contact The Department of Public Services Weather Event and Emergency Information Line at 978-463-0472 to find out the status of the parking ban. Parking regulations are strictly enforced to ensure that streets remain accessible for snowplows, fire apparatus and other emergency vehicles. **Any vehicle that impedes the snow removal process will be ticketed and towed.**

ALTERNATIVE DESIGNATED PARKING AREAS

The City of Newburyport offers alternative designated parking areas for on-street cars that include the following: Green Street Municipal Lot, Cashman Park (off Merrimac Street), Cushing Park (Washington Street) NRA Waterfront Lots East and West, Hales Court Lot (corner of Hales Court and Prince Place) and State Street Lot (corner of Harris Street and State Street). In order for DPS to clear these lots, temporary parking bans and vehicle removal may be posted and announced on the City website and Weather Event and Emergency Information Line at 978-463-0472. After snow removal is complete in a lot, it will open for parking.

PLEASE NOTE: All vehicles must be removed from the above listed lots within 24 hours following the cancellation of the snow emergency (weekends included) or vehicles will be ticketed and towed at the owner's expense.

SNOW EMERGENCY CANCELLATION information can be obtained by checking www.cityofnewburyport.com or calling the Weather Event and Emergency Information Line at 978-463-0472.

DPS will do its best to lift the city-wide Snow Emergency parking restriction as soon as possible. The city-wide parking restriction will only be lifted when the DPS Director or Deputy Director determine that on-street parking will not cause a public safety issue to emergency response vehicles. We may seek advice from the City Marshal or Fire Chief to assist us in making this determination.

On some narrow streets, the DPS may post temporary no parking signs after the snow emergency has been lifted in order to maintain a safe and adequate vehicle travel lane. Many of these streets are located in Wards 1, 2 and 3. We will evaluate these streets on a daily basis to see if these signs may be removed once the roadway has an adequate travel lane width.

SNOW PLOWING

The following is a general description of how the Department of Public Services plows snow from city streets.

Step 1. Pretreatment (1"-2" of accumulated snow)

When a snowstorm begins, the department responds by pretreating the main roads. This serves two purposes: to keep traffic safely moving and to prevent the snow from bonding to the pavement. If the snow event is less than 2" or 3" inches of accumulated snow. We may halt operation after all the roads have been pretreated and evaluate if additional treatment is required.

Step 2. Snow clearing (2" or greater)

Snow plowing begins when snow accumulates or is predicted to be two (2) or more inches. Over 48 city and

privately operated pretreatment and snow clearing vehicles/equipment may be dispatched to respond to a snow emergency. DPS crews and private contractors will continue to plow until the snow event ends. We will continue to monitor the conditions of the roadways and determine if additional snow clearing equipment is needed or if equipment may need to be reassigned to another section of the city.

Step 3. Post storm clean-up and clearing

Once the snow event has concluded, DPS conducts our city wide final snow clearing operation. This operation includes one last round of snow clearing and general cleanup to make the roadways safe for vehicular and pedestrian traffic. This operation may take days or weeks, depending on total amount snow accumulation. DPS will prioritize this operation based on the following in order of importance.

1. Main streets and school routes are treated to achieve the safest possible conditions.
2. Inclines and major intersections are treated to improve safety.
3. Flat streets are treated only if icy conditions exist.
4. Downtown and other business areas treated and snow removal may take place if needed.
5. Snow piles at intersections are pulled away from the corners to improve sight lines for existing vehicles. Snow may need to be removed judiciously from these intersections. Snow may be removed from narrow streets to improve the access for emergency and public service vehicles. Snow removal is time consuming and labor intensive; the DPS Director or Deputy Director will prioritize these streets solely based on public safety.
6. Lack of parking is not a safety issue. Nevertheless, if time, staffing and funds allow, we may clear snow from other narrow streets. These streets are determined from input from the Mayor's Office, City Councilors, residents, and emergency agencies.

SAFETY REMINDER: When driving, please stay 200 feet behind any snowplow and NEVER pass a plow truck. Visibility is not good for the snowplow operator.

SIDEWALKS

The removal of the snow and ice from sidewalks is the responsibility of tenants, occupants and property owners. The City of Newburyport clears designated sidewalks following each storm, but only after all of the roads has been cleared. These sidewalks are in the downtown areas, surrounding schools and other city-owned property.

The City's Code of Ordinances (Sec. 12-52) requires tenants, occupants and property owners to remove snow and ice from their bordering sidewalks within six hours after the snow ceases to fall if it ceases to fall in the daytime and before 12:00 noon if it ceases to fall in the nighttime. If a property owner/occupant neglects to do so, he/she shall be fined \$50. Violations of this section may be enforced by any police officer, the health director or his designees.

DRIVEWAYS

DPS tries to minimize the amount of snow that gets plowed across driveways, but snow plows cannot “go around” driveways. Plow blades cannot be lifted as they pass by a driveway. Unfortunately, snow will be plowed into driveways as we perform curb-to-curb plowing. You may wish to clear your driveway several times during the storm or wait until the storm and plowing activities have ended.

Snowplowing, shoveling, or throwing snow back onto the street when clearing driveways, yards, roofs or sidewalks is prohibited by City Ordinance Sec. 12-7 and violators can be fined \$50.

Please note that this plan is always a work in progress. As we learn from our experiences and technology changes, we may find different ways to conduct pretreatment, snow clearing and snow removal with greater efficiency and lower cost.

NOTIFICATIONS

All residents and business owners are strongly urged to sign up for announcements or urgent alerts from any or all City departments. On the City of Newburyport’s website homepage, click on the large gray button that reads “Notify Me” to choose your notification preferences. Weather-related and other emergency notifications are provided by the City via news announcement posted to the website. If you are signed up for notifications, you will receive an e-mail alert letting you know that a new announcement has been posted by the City. This is especially useful in receiving the latest messages about parking restrictions and other information.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

December 12, 2016

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

Street: High Street

Restriction: On the northerly side from a point 180 feet east of Ashland Street running easterly to a point 215 feet east of Ashland Street.

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

Councillor Tontar

noted
PS
CJ/EC

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date: December 12, 2016

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

Street: Howard Street

Restriction: On the westerly side beginning at Chapel Street and running southerly for a distance of 113 feet.

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

Councillor Tontar

*MOTION
TO REPEAL
PS CJ/SL*

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date: December 12, 2016

THAT the City Council of the City of Newburyport hereby orders, pursuant to Code Section 13-136, that the following street shall be designated as a stop intersection:

Street: Howard and Chapel

Intersection: The three-way intersection at Howard and Chapel Streets

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

Councillor Charles F. Tontar

Refer
TOPS
CI/EC
SV