

Public Hearing at City Council Chamber, City Hall, 60 Pleasant Street, Newburyport, MA at 7:15 pm on May 9, 2016 on the Capital Improvements Program. There is a full copy of the Capital Improvements Program available for inspection by the public in the City Clerk's Office, City Hall, 60 Pleasant Street, Newburyport, MA
NT-4/5/16

CITY COUNCIL MEETING AGENDA - VERSION 1
CITY COUNCIL CHAMBERS

May 9, 2016

7:15 PM

Hearing on Capital Improvement Program

7:30PM

(Sound Check)

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

CONSENT AGENDA

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

7. APPROVAL OF MINUTES

April 25, 2016

(Approve)

8. TRANSFERS

- **TRAN011_05_09_16** Solid Waste Fee \$8,700.00 to Chipper \$8,700 (B&F)
- **TRAN012_05_09_16** Free Cash \$6,400.00 to HWY Maint Bldg \$6,400 (B&F)

9. COMMUNICATIONS

-
- **COMM049_05_09_16** Atomic Coffee Co. Application for Outdoor Seating (L&P)
- **COMM050_05_09_16** Coast to the Cure Bike Ride Sept 10, 2016 (PS)
- **COMM051_05_09_16** Pan-Merrimack Challenge Jun 18, 2016 (PS)
- **COMM052_05_09_16** FY2017 Proposed Budget (B&F)
- **COMM053_05_09_16** Retirement Board Meeting on COLA for Retirees (R&F)

10. APPOINTMENTS

First Reading

APPOINTMENTS

- **APPT034_05_09_16** Peter Binette 255 Main Street, Ames, MA Building Comm

RE-APPOINTMENTS

- APPT035_05_09_16 Byron M. Getchell 14 Milk Street, Nbpt, MA Tree Comm

END OF CONSENT AGENDA REGULAR AGENDA

11. MAYOR'S PRESENTATION ON THE BUDGET

12. MAYOR'S UPDATE

- LATE FILE COMM054_05_09_16 Mayor's Update

13. APPOINTMENTS

Second Reading APPOINTMENTS

- APPT032_04_25_16 Brian Greenberg 29 Lafayette Street, Nbpt, MA Disability Comm
- APPT033_04_25_16 Dr. Sam A. Merabi 7 Brown Square, Nbpt, MA Board of Health

14. ORDERS

- ORDR034_05_09_16 Acceptance of National Grid Checks for School Building Projects
- ORDR035_05_09_16 Rename Portion of Atwood Park to Garrison Gardens
- ORDR036_05_09_16 Acceptance of Gifts for the Bradley Fuller Athletic Field Facility

15. ORDINANCES

-

15. COMMITTEE ITEMS

Budget & Finance

In Committee:

- ORDR009_02_08_16 Increase fees for Fire Dept.
- ORDR010_02_08_16 Increase fines Parking Violations
- ORDR014- 03- 14- 16 Electricity Access Fee
- COMM034_03_29_16 CIP Submission FY 2016
- ORDR029_04_11_16 Parking Rates Order (COTW)
- ORDR002_01_25_16 – Accept gift of \$25,000 repairing Brown's Wharf Culvert (COTW)
- TRAN010_04_25_16 Health Insurance 251,801.09 to Salary Accts 251,801.09

General Government

In Committee:

Joint Education

License & Permits

In Committee:

- **COMM010_01_25_16** - Licensing Commission Acoustic & Amplified Entertainment
- **ODNC004_01_25_16** – Chapter 3 Animals Dogs Nuisance
- **COMM047_04_25_16** - Middle St. Foods App for Outdoor Seating

Neighborhoods and City Services

In Committee:

- **ODNC001_01_11_16** Amend Ch11 Parks and Recreation (COTW)
- **COMM032_03_29_16** Councillor Cronin - Garage Impact Abutters Group Recs
- **COMM033_03_29_16** Councillor Zeid - Garage Impact Abutters Group Recs
- **ORDR031_04_25_16** Tree Order on Replanting
- **ORDR032_04_25_16** Veterans at Brown Square
- **ODNC009_04_25_16** CDT renamed to Human Rights Committee

Planning & Development

In Committee:

- **COMM005_01_11_16** Letter to Council regarding Economic Development Concept for Business Park
- **ODNC001_01_25_16** Zoning Amend Smart Growth District (COTW)
- **COMM020_02_08_16** Memo re: hiring process for Building Commissioner
- **ODNC005_02_08_16** Zoning Amend App. A, Sec. III-C Zoning Map, dated Feb. 8, 2016
- **ORDR025_04_11_16** Gloria Braunhardt Little River Bike Trail
- **ODNC007_04_11_16** Zoning – To Improve Record Keeping and Coordination (COTW)
- **ODNC008_04_11_16** Zoning – Repair City-Owned Sidewalks (COTW)
- **ORDR033_04_25_16** Multi-Hazard Mitigation Plan

Public Safety

In Committee:

- **ORDR011_02_29_16** - Parking – Section 13-168, Winter Hours Restrictions, Certain Streets
- **ORDR023_04_11_16** Parking Restrictions, Simmons Drive
- **ORDR024_04_11_16** Parking Restrictions, Golden Drive
- **COMM046_04_25_16** Dates for Yankee Homecoming
- **COMM048_04_25_16** Yankee Homecoming Race Application

Public Utilities

In Committee:

- **ORDR027_04_11_16** Licensed Contractor Robell, Inc.

Rules Committee

16. GOOD OF THE ORDER

17. ADJOURNMENT



Published on *Newburyport MA* (<http://www.cityofnewburyport.com>)

[Home](#) > [City Council](#) > [Events](#) > Capital Improvement Program hearing > Capital Improvement Program hearing

Capital Improvement Program hearing

Event Date: May 9, 2016 - 7:15pm - 7:30pm

Description:

Agenda: review CIP

Location:

City Council Chambers, City Hall

60 Pleasant Street
City Council Chambers
Newburyport, MA 01950
See map: [Google Maps](#) ^[1]

Source URL: <http://www.cityofnewburyport.com/city-council/events/39371>

Links:

[1] <http://maps.google.com?q=60+Pleasant+Street%2C+Newburyport%2C+MA%2C+01950%2C+us>

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES - VERSION 1
CITY COUNCIL CHAMBERS

April 25, 2016

7:30PM

The City Council President, Thomas O'Brien, called the meeting to order at 7:30 pm. A moment of silence was held, for Retired Fire Chief John F. Cutter, followed by the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Tontar, Vogel, Zeid, Cameron, Connell, Cronin, Devlin, Earls, Eigerman, Giunta, 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, ORDR033_04_25_16, and explanatory letter for ODNC009_04_25_16

Motion to waive the rules, to accept late files, by Councillor Zeid. Seconded by Councillor Cameron. So voted.

5. PUBLIC COMMENT

- | | | |
|--------------------|---------------------|----------------------------|
| 1. Brian Greenberg | 29 Lafayette Street | Commission on Disabilities |
| 2. Sam Merabi | 7 Brown Square | Board of Health |

6. MAYOR'S COMMENT - The mayor gave an update pursuant to her written communication

CONSENT AGENDA

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

7. APPROVAL OF MINUTES

April 11, 2016

(Approve)

8. TRANSFERS

- **TRAN010_04_25_16** Health Insurance 251,801.09 to Salary Accts 251,801.09 (B&F)

9. COMMUNICATIONS

- **COMM046_04_25_16** Dates for Yankee Homecoming (PS)
- **COMM047_04_25_16** Middle St. Foods App for Outdoor Seating (L&P)
- **COMM048_04_25_16** Yankee Homecoming Race Application (PS)

10. APPOINTMENTS

First Reading
APPOINTMENTS

- **APPT032_04_25_16** Brian Greenberg 29 Lafayette Street, Nbpt, MA Disability Comm
- **APPT033_04_25_16** Dr. Sam A. Merabi 7 Brown Square, Nbpt, MA Board of Health

**END OF CONSENT AGENDA
REGULAR AGENDA**

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

11. COMMUNICATIONS

- **LATE FILE COMM045_04_25_16** Mayor's Update
Motion to receive and file by Councillor Cameron, seconded by Councillor Zeid. So Voted.

12. APPOINTMENTS

**Second Reading
APPOINTMENTS**

- **APPT031_04_11_16** Gregory F. Whitney 7 Gardner Street, Amesbury, MA
Sergeant, Police
Motion to approve second reading by Councillor Cameron, seconded by Councillor Zeid. Roll call vote, 11 yes.

13. ORDERS

- **ORDR031_04_25_16** Tree Order on Replanting
Motion to refer to Neighborhoods & City Services by Councillor Connell, seconded by Councillor Zeid. So voted.
- **ORDR032_04_25_16** Veterans at Brown Square
Motion to refer to Neighborhoods & City Services by Councillor Cronin, seconded by Councillor Giunta. So voted.
- **ORDR033_04_25_16** Multi-Hazard Mitigation Plan (Late File)
Motion to refer to Planning & Development by Councillor Cameron, seconded Councillor Cronin. So voted.

14. ORDINANCES

- **ODNC006-_03_14_16** Sec. 5-113 Sheet Metal Permits (2nd reading- Pending Pub for April 25,2016)
Motion to approve second reading by Councillor Vogel, seconded by Councillor Cameron. Roll call vote, 11 yes.
- **ODNC009_04_25_16** CDT renamed to Human Rights Committee
Motion to refer to Neighborhoods & City Services by Councillor Vogel, seconded by Councillor Connell. So voted.

15. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR009_02_08_16** Increase fees for Fire Dept.
- **ORDR010_02_08_16** Increase fines Parking Violations
- **ORDR014- 03- 14- 16** Electricity Access Fee

- **COMM034_03_29_16** CIP Submission FY 2016
- **ORDR026_04_11_16** Hale/Graf Force Main Loan Order 2,751,000 (COTW)
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid.
Motion to approve by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 11 yes.
- **ORDR028_04_11_16** National Grid Gift Acceptance
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron.
Motion to approve by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 11 yes.
- **ORDR029_04_11_16** Parking Rates Order (COTW)
- **COMM041_04_11_16** Annual Audit FY 2015 Memo
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron.
Motion to receive and file by Councillor Tontar, seconded by Councillor Cameron.
- **ORDR002_01_25_16** – Accept gift of \$25,000 repairing Brown’s Wharf Culvert (COTW)

General Government

In Committee:

Joint Education

License & Permits

In Committee:

- **COMM010_01_25_16** - Licensing Commission Acoustic & Amplified Entertainment
- **ODNC004_01_25_16** – Chapter 3 Animals Dogs Nuisance

Neighborhoods and City Services

In Committee:

- **ODNC001_01_11_16** Amend Ch11 Parks and Recreation (COTW)
- **COMM032_03_29_16** Councillor Cronin - Garage Impact Abutters Group Recs
- **COMM033_03_29_16** Councillor Zeid - Garage Impact Abutters Group Recs

Planning & Development

Councillor Cameron announced a joint meeting of the Planning & Development Committee and the Planning Board to be held Wednesday, May 4th at 7pm. for four Zoning amendments in Committee.

In Committee:

- **COMM005_01_11_16** Letter to Council regarding Economic Development Concept for Business Park
- **ODNC001_01_25_16** Zoning Amend Smart Growth District (COTW)
- **COMM020_02_08_16** Memo re: hiring process for Building Commissioner
- **ODNC005_02_08_16** Zoning Amend App. A, Sec. III-C Zoning Map, dated Feb. 8, 2016
- **ORDR025_04_11_16** Gloria Braunhardt Little River Bike Trail
- **ODNC007_04_11_16** Zoning – To Improve Record Keeping and Coordination (COTW)
- **ODNC008_04_11_16** Zoning – Repair City-Owned Sidewalks (COTW)

Public Safety

In Committee:

- **ORDR011_02_29_16** - Parking – Section 13-168, Winter Hours Restrictions, Certain Streets
- **COMM040_04_11_16** GNOCA, J Poor, P Holm Run/Walk Sept 25, 2016
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Cameron.
Motion to approve by Councillor Cronin, seconded by Councillor Tontar. So voted.
- **COMM042_04_11_16** Slow Bike Race August 3, 2016
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Zeid. Motion to approve by Councillor Cronin, seconded by Councillor Cameron. So voted.
- **ORDR023_04_11_16** Parking Restrictions, Simmons Drive
- **ORDR024_04_11_16** Parking Restrictions, Golden Drive
- **ORDR030_04_11_16** Parking Resident 13-180 Liberty St
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Giunta.
Motion to approve by Councillor Cronin, seconded by Councillor Giunta. So voted.

Public Utilities

In Committee

- **ORDR027_04_11_16** Licensed Contractor Robell, Inc.

Rules Committee

16. GOOD OF THE ORDER

Councillor Connell announced a Rising Sea Level meeting to be held at the Parker River Wildlife Refuge Center on Wednesday, May 18th at 9:30am.

17. ADJOURNMENT

Motion to adjourn by Councillor Zeid, seconded by Councillor Cameron, 8:10pm.

TRANSFERS



City of Newburyport

FY 2016

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2016 MAY -3 P 2 1

Department: Sustainability

Submitted by: Molly Ettenborough

Date Submitted: 5/9/2016

Transfer From:

Account Name	Solid Waste Fee	YTD Bal:	\$ 263,962.84
Account Number:	2747-59600	Trans In:	\$ -
Amount:	\$8,700.00	Trans Out:	\$ 75,650.00
Why are Funds Available:	<i>Funded through compost sticker fees and recycling rebate.</i>		
<i>This transfer is the standard method for moving funds from Reserve for Appropriations accounts into General Fund accounts.</i>			

Transfer To:

Account Name	Chipper	YTD Bal:	\$ -
Account Number:	01519002-52813	Trans In:	\$ 17,000.00
Amount:	\$8,700.00	Trans Out:	\$ -
Why are Funds Required:	<i>Estimated costs for yard waste removal and operations of the yard waste facility on Crow Lane.</i>		

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

Donna D. Holaday
Ethan R. Manning

Date: 5/3/16
Date: 5/3/16



City of Newburyport

FY 2016

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2016 MAY -3 P 3

Department: Mayor's Office

Submitted by: Donna D. Holaday

Date Submitted: 5/9/2016

Transfer From:

Account Name	General Fund - Free Cash	YTD Bal:	\$ 896,412.78
Account Number:	01-35910	Trans In:	\$ -
Amount:	\$6,400.00	Trans Out:	\$ (1,922,023.22)
Why are Funds Available: <i>The Massachusetts Department of Revenue certified Free Cash for FY2016 at \$2,818,436. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council.</i>			

Transfer To:

Account Name	HWY Maint-Building	YTD Bal:	\$ 3,504.26
Account Number:	01421002-52401	Trans In:	\$ -
Amount:	\$6,400.00	Trans Out:	\$ -
Why are Funds Required: <i>A fence at the Brown School was damaged during last year's storm and has gradually deteriorated, with many panels falling down. The cost to replace the 128' section of 8' fence is estimated at \$6,400.</i>			

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

Date: 5/3/16
Date: 5/3/16

COMMUNICATIONS



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

NEW FILING _____

RENEW ☒

City of Newburyport

2016 APR 27 A 9:23

Application

Food Establishment Outdoor Seating on Public Property

Date:

4/23/16

Name of Business Owner:

Atomic Coffee Co., LLC.

Andrew Mahoney

Name of Property Owner:

Eastern Yacht Sales + Charters

Business Name:

Atomic Coffee Co. (Atomic Cafe)

Business Address:

52+ 56 State St

Business Phone:

978-358-7539

Number of Tables Requested:

8

Dimensions:

24X24

Material:

metal/Iron

Number of Chairs Requested:

16

Dimensions:

14X14

Material:

Aluminum/Steel

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

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

* Alcohol not to be served outside of main entrance

Please note propane is not allowed unless approved by the Fire Department

Application Requirements

Please submit the following documents with the completed application to:

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

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

NEW FUEL CONTAINER FOR FLOOR REVERSERS

STORAGE

AREA 704 SQ. FT.

DOOR

WALL

STAIR

RESTROOM

[illegible]

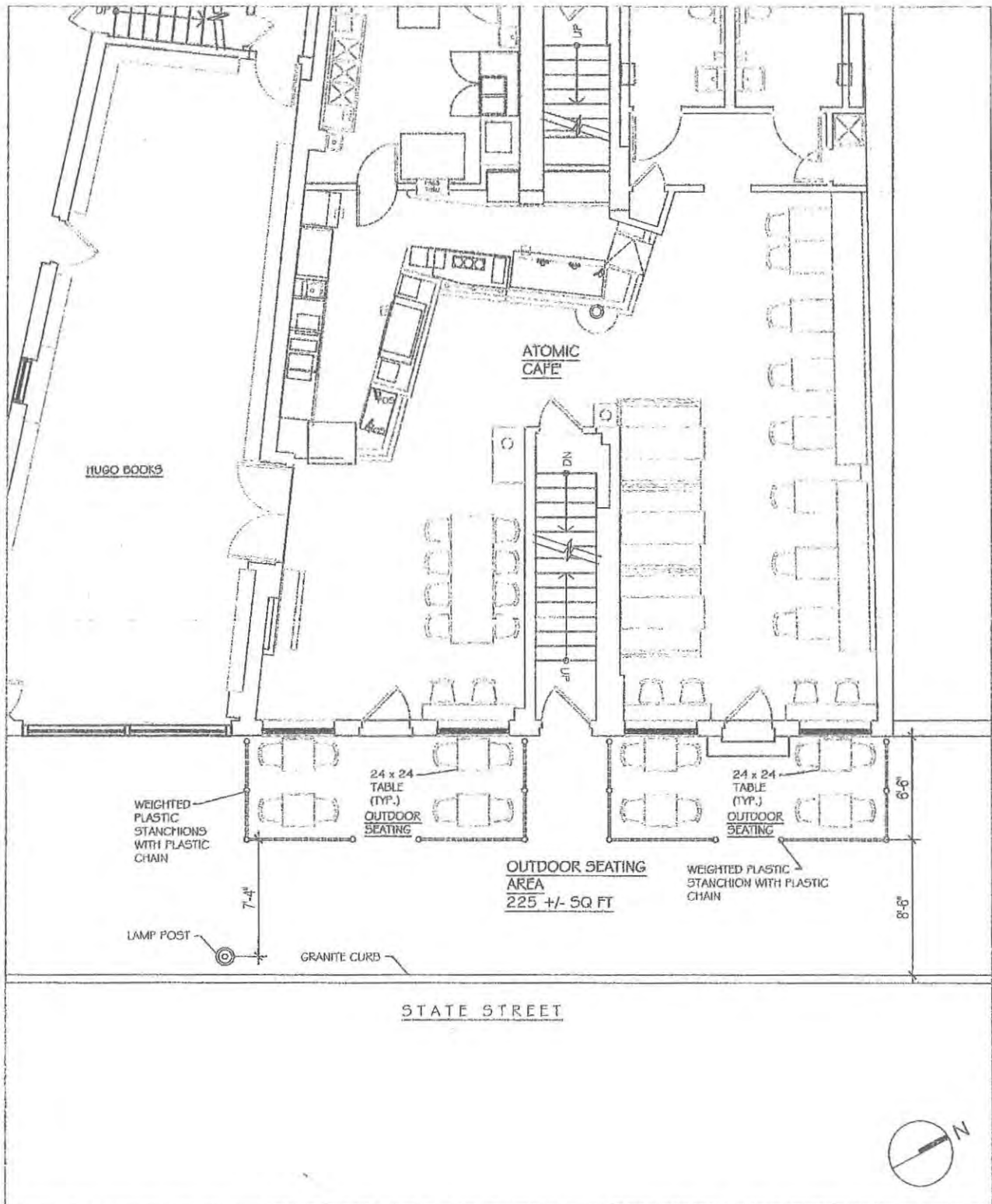
COMMON ST
commonstreetdesign.com



Scale	1/8" = 1'-0"
Date	JULY 30, 2013

Proposed 1st Floor & Basement Plans

original Drawing from 2013



COMMON ST.
DESIGN
jrizzo@commonstreetdesign.com

**Atomic Coffee Company
of Newburyport, LLC**

Scale
1/8" = 1'-0"
Date
03.25.2015

Drawing Name
**Proposed Outdoor
Seating Plan**

Current Plan



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/17/2015

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

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

PRODUCER Archer Insurance 271 CABOT ST BEVERLY MA 01915 INSURED Atomic Coffee Co of Newburyport LLC 52-56 State St Newburyport MA 01950	CONTACT NAME: Neal Hutchins PHONE (A/C, No, Ext): (978) 922-4600 FAX (A/C, No): (978) 922-9276 E-MAIL ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: Union Mutual Of Vermont Companies INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
--	--

COVERAGES

CERTIFICATE NUMBER: CL15111700693

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 checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			BOP0105058-01	9/3/2015	9/3/2016	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000 Property damage-single limit \$
	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 EXCESS LIAB 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	N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

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

POLICY INCLUDES LIQUOR LIABILITY OF 1,000,000

POLICY INCLUDES THE CITY OF NEWBURYPORT AS AN

ADDITIONAL INSURED

CERTIFICATE HOLDER

CANCELLATION

CITY OF NEWBURYPORT
CITY CLERK
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

Neal Hutchins/ALEXA

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Joseph Devlin made a motion to take all Newburyport Art Association One Day License events in one motion. So voted. Joseph Devlin motioned to approve the seven 1 Day Beer/Wine Licenses, seconded by Craig Holt.

Votes Cast:

Craig Holt: Yes

Joseph Devlin: Yes

Brad Duffin: Yes

*from original licensing
Hearing meeting
minutes*

4. New License Hearing 7:15pm

Atomic Coffee Company of Newburyport, LLC. Lisa Mead, attorney with Blatman, Mead & Borowski was representing Andrew Mahoney, manager and owner of the business. Bob and John Hughes, owners of the property were also present. The applicant is seeking to open a coffee and beer and wine café in northern section of the current Book Rack store. The Book Rack would remain in one section of the building. They plan to serve food, wine, craft beers and coffee. The space is approximately 2009 sf, 1482 sf to be restaurant, 342 sf outdoors and 704 sf storage and office in the basement. There are three egresses. They will have someone at a POS station at the door way going into the Book Rack to prevent any alcohol from leaving the restaurant. Expect to have 4-6 employees on at a time. No table service, people would order at the counters. Staff would be cleaning up and walking around. Capacity is 42 seats inside and 24 seats outside.

The commission stressed the need for signage indicating "no alcohol beyond this point" at doorway between café and book store. They also stressed need for controlling alcohol on patio especially during busy times and questioned whether total number of staffers working would be sufficient.

The applicant proposed that at the south entrance patio they would not serve alcohol and would post no alcohol service. The north side patio would be stationed by one person and be the only outdoor area to serve alcohol. The café and Book Rack will have the same operating hours. They will have strong signage at the entrance to the book rack and training for no alcohol beyond this point. The applicant will have staffing of seven to ensure control of alcohol.

Joseph Devlin made a motion to approve the Retail Beer & Wine license with the application amended so no alcohol is served in the south patio, a dedicated server is stationed in the north patio for alcohol service, signage at the entrance to the Book Rack that clearly states "no alcohol beyond this point" and signage at the Point of Sale stations with requirements for serving alcohol, seconded by Craig Holt.

Votes Cast:

Craig Holt: Yes

Joseph Devlin: Yes

Brad Duffin: Yes

5. Brown Sugar by the Sea Alteration of Premises

David Hall, landlord for Brown Sugar by the Sea and Caroline Jolliffe were present to submit the revised, original size plans. They have excluded the elevator from the licensed area. Only access to the elevator is with a key. Exit doors on stairwell at second level will be labeled that door is alarmed.

6. Change of Manager

1) Comins, Inc. dba Port Wine and Spirits is changing manager to Richard Comeau. Currently the manager in Haverhill. It is a family owned business that he has worked with for 33 years. He will run both stores. He will be spending most of his time in Newburyport and expects between the two stores to be putting in about 70 hours. Suggested to the commission that Newburyport have mandated server training in the city.

Motion to approve the change of manager by Joe Devlin, seconded by Craig Holt. So voted.



Neurofibromatosis, Northeast

9 Bedford Street ~ Burlington, MA 01803

781-272-9936 ~ info@nfincne.org

www.nfincne.org

Committee

Ben Buttrick &
Kevin McKelvey
Co-Chairpersons

Jeff Capobianco
Alex Cellucci
Michelle Donovan
John Duff
Kate Duff
Megan Duff
Jill Tozza Feeney
Peter Gentile
Chanda McKee
Elaine Powers
John Roy
Steve Shelgren

April 29, 2016

Richard Jones
City Clerk
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

Dear Mr. Jones,

On behalf of Neurofibromatosis Northeast, I am seeking permission once again to include your city in our route for the upcoming 6th Annual Coast to the Cure bike ride. Coast to the Cure takes place on Saturday, September 10, 2010. The ride starts and finishes from Stage Fort Park in Gloucester. The event consists of three prescribed routes (24, 66 and 100 miles) encompassing 18 communities: Beverly, Ipswich, Wenham, Hamilton, Essex, Manchester, Georgetown, Groveland, North Andover, Boxford, Middleton, Topsfield, Rowley, Haverhill, Amesbury, Merrimac, Newbury and Newburyport.

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

The route through Newburyport involves the following roads: Cross Chain Bridge, left on Merrimack Street, right on Kent Street, stop at rest stop, turn around, right on Kent Street, right on Merrimack Street/Water Street, right on Ocean Street.

Attached please find a special events application in need of your final signature, route map and turn-by-turn course.

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

Thanks so much for your consideration.

Sincerely,

Diana Flahive
Director of Special Events

NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

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

NAME OF EVENT: Coast to the Cure NF Bike Ride

Date: 9/10/16 Time: from 7AM to 4PM

Rain Date: N/A Time: from _____ to _____

2. Location: Starts + ends at Stage Fort Park, Gloucester. Route goes through Newburyport

3. Description of Property: public roads in Newburyport Public ☒ Private ☐

4. Name of Organizer: Neurofibromatosis Northeast City Sponsored Event: Yes ☐ No ☒

Contact Person Diana Flahive, Director of Special Events

Address: 9 Bedford St. Burlington Telephone: 781-272-9936

E-Mail: dflahive@nfnne.org Cell Phone: 617-777-5397

Day of Event Contact & Phone: Diana Flahive, 617 777 5397

5. Number of Attendees Expected: 50 people riding over 4 hour period

6. MA Tax Number: 04-3013709 (EIN)

7. Is the Event Being Advertised? yes Where? Facebook, radio 104.9, posters

8. What Age Group is the Event Targeted to? 25-50

9. Have You Notified Neighborhood Groups or Abutters? Yes ☒ No ☐ Who? We've reached out to all 18 communities the ride goes through.

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 ☒ n/a

If yes:

- a) How many trash receptacles will you be providing? _____
- b) How many recycling receptacles will you be providing? _____
- 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

Name of company providing the portable toilets: _____

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____

ROAD RACE _____

WALKATHON _____
Bike Ride ☒

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

New England Bio Labs - main sponsor
NE NOT the west

2. Name, Address & Daytime Phone Number of Organizer: Neurofibromatosis Northeast,
9 Bedford St, Burlington, MA 01803, 617 7775397

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up Diana Flahive
11 11

4. Date of Event: 9/10/16 Expected Number of Participants: 50

5. Start Time: 8AM Expected End Time: 4PM

6. Road Race, Parade or Walkathon Route: (List street names & attach map of route): CROSS
chain bridge, Merrimack, Kent, water, Olear

7. Locations of Water Stops (if any): n/a

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

9. Formation Location & Time for Participants: Start/finish Stage Fort Park, Gloucester

10. Dismissal Location & Time for Participants: ride should be over by 4PM

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 [Signature] 16A Perry Way CITY CLERK [Signature] 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: 4/25/16

Signature: [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*
☐ 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: _____



ESSEX WATER STOP CLOSES AT 3 PM
PLAN ACCORDINGLY

Coast to the Cure - 100M

94.7 miles

Leg	Dir	Type	Notes	Total
	←	Left	Turn left onto Western Ave	0.2
0.8	←	Left	Turn left onto Hesperus Ave	1.0
1.7	↑	Straight	Continue onto Norman Ave	2.6
0.4	↑	Straight	Continue onto Raymond St	3.0
0.5	←	Left	Turn left onto MA-127 S	3.5
2.0	→	Right	Turn right onto Forest St	5.5
0.1	←	Left	Slight left to stay on Forest St	5.6
0.6	←	Left	Turn left onto Mill St	6.2
0.7	←	Left	Turn left onto School St	6.9
1.0	→	Right	Turn right onto MA-127 S	7.9
2.7	←	Left	Slight left onto Hale St	10.5
2.3	→	Right	Turn right onto Boyles St	12.9
0.6	→	Right	Turn right to stay on Boyles	13.4
0.2	→	Right	Turn right onto Foster St	13.6
0.2	↑	Straight	Continue onto Standley St	13.8
0.8	→	Right	Slight right onto MA-22 N/Essex St	14.7
0.2	←	Left	Turn left to stay on MA-22N/Essex St	14.8
1.2	←	Left	Turn left onto Grapevine Rd	16.1
0.7	→	Right	Turn right onto Larch Row	16.8
0.6	←	Left	Turn left onto Miles River Rd	17.3
0.7	←	Left	Turn left onto Bridge St	18.0
0.4	←	Left	Turn left onto MA-1A S	18.4
0.9	→	Right	Turn right onto Asbury St	19.3
1.0	→	Right	Turn right onto Highland St	20.3
0.1	←	Left	Take quick left onto Asbury St	20.4
2.9	←	Left	Turn left onto Ipswich Rd	23.3
1.3	↑	Straight	Cross Rte. 1 (BE CAREFUL)	24.5
0.8	←	Left	Turn left onto Main St/ Rte. 97	25.4
0.3	→	Right	Turn right onto Washington St	25.7
0.8	←	Left	Turn left to stay on Washington St	26.5
0.9	↑	Straight	Continue onto Endicott Rd	27.4
0.9	↑	Straight	Continue onto East St/Middleton Rd	28.3
2.0	→	Right	Turn right onto MA-62 W	30.3
0.4	→	Right	Turn right onto Liberty St	30.8
0.6	→	Right	Turn right onto Mill St	31.4
1.0	←	Left	Turn left onto Peabody St	32.4
0.4	→	Right	Turn right onto Liberty St	32.8
0.5	←	Left	Turn left onto School St	33.2
0.8	→	Right	Turn right onto Essex St	34.0
2.0	↑	Straight	Continue onto Salem St	36.1
1.2	→	Right	Turn right onto Ingalls St	37.2
0.5	←	Left	Turn left onto Forest St	37.7
1.3	←	Left	Turn left onto Boxford St	39.1
0.2	→	Right	Turn right onto Foster St	39.3
1.3	↑	Straight	Turn left onto Winter St	40.5

1.4	→	Right	Turn right onto Dale St	41.9
0.1	←	Left	Turn left onto Glendale Rd	42.0
0.7	←	Left	Turn left onto Main St	42.7
0.3	↑	Straight	Cross Washington Street	43.0
2.2	→	Right	Turn right onto Lilly Pond Rd	45.2
0.7	↑	Straight	Continue onto Barker St	45.9
0.1	↑	Straight	Continue onto Boxford Rd	46.0
0.4	→	Right	Slight right onto S Cross Rd	46.5
0.7	↑	Straight	Continue onto Lawrence Rd	47.2
0.4	↑	Straight	Continue onto Main St	47.6
0.7	↑	Straight	Continue onto Gardner St	48.3
0.4	←	Left	Turn left onto MA-97 N	48.7
0.5	→	Right	Turn right onto Orchard Ave	49.1
0.0	←	Left	Turn left onto Old Ferry Rd	49.2
0.5	→	Right	Turn right onto E Broadway	49.7
4.4	↑	Straight	Turn left onto River Rd	54.1
1.2	↑	Straight	Continue onto Middle Rd	55.3
0.4	→	Right	Turn right onto Skunk Rd	55.7
0.4	↑	Straight	Continue onto Pleasant Valley Rd	56.1
2.7	↑	Straight	Continue onto Merrimac St	58.7
0.4	→	Right	Turn right onto Main St	59.2
1.2	→	Right	Bear right and cross chain bridge	60.3
0.2	↑	Straight	Continue onto Spofford St	60.5
0.2	↑	Straight	At the traffic circle, take the 4th exit onto Merrimac St	60.7
1.8	→	Right	Turn right onto Kent St	62.5
0.3	←	Left	Turn left onto High St	62.9
5.0	↑	Straight	Continue onto MA-1A S/Main St	67.9
5.1	→	Right	Turn right onto Mile Ln	73.0
0.8	←	Left	Turn left onto Linebrook Rd	73.8
1.8	→	Right	Turn right on Central St/1-A S	75.6
0.4	↑	Straight	Continue onto S Main St	76.0
0.3	→	Right	Turn right onto MA 1-A S	76.3
0.1	←	Left	Turn left onto Argilla Rd	76.4
1.8	→	Right	Turn right onto Northgate Rd	78.2
0.7	←	Left	Turn left onto MA-133 E	78.9
0.7	→	Right	Turn right onto Choate St	79.6
0.3	←	Left	Turn left onto Belcher St	79.9
1.2	←	Left	Turn left onto Story St	81.1
0.3	↑	Straight	Continue onto Winthrop St	81.5
0.3	→	Right	Turn right onto Martin St	81.7
0.0	←	Left	Turn left onto Shepard Dr	81.8
0.1	←	Left	Turn left onto Martin St	81.8
0.7	←	Left	Turn left onto Apple St	82.5
1.3	←	Left	Turn left onto Southern Ave	83.9
0.8	→	Right	Turn right onto School St	84.6
0.2	←	Left	Turn left onto Grove St	84.8
0.1	→	Right	Turn right onto Eastern Ave/ MA-133	84.9
4.0	→	Right	Turn right onto Magnolia Ave	88.9

2.2	↑	Straight	Stay straight across 127 and stay on Magnolia Ave.	91.1
0.6	←	Left	Turn left onto Norman Ave	91.7
0.4	↑	Straight	Continue straight onto Hesperus Ave	92.1
1.7	→	Right	Turn right onto Western Ave	93.7
0.8	→	Right	Turn right onto Hough Ave	94.5

Ride With GPS · <https://ridewithgps.com>

MELROSE INS. GROUP FAX: 781-665-8703

CERTIFICATE OF LIABILITY INSURANCE

Jun 22 2015 12:48

P005/008
DATE (MM/DD/YYYY)
06/19/15

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 T F Ward Insurance Agency, Inc 403 Franklin Street Melrose, MA 02176 Thomas Ward Insurance		Phone: 781-665-2990 Fax: 781-665-8703	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: The Hartford INSURER B: Foremost Insurance Company INSURER C: Travelers INSURER D: INSURER E: INSURER F:	FAX (A/C, No): NAIC # 40282
INSURED NEUROFIBROMATOSIS, INC. Karen Peluso 9 Bedford St Burlington, MA 01803				

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
B	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Business Owners GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	X	PPS40720634	06/27/15	06/27/16	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 2,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000	
	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) \$	
B	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0	X	PPS40720634	06/27/15	06/27/16	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$	
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory In NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A	08WECKH3323	06/27/15	06/27/16	WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000	
C	Directors/Officers		106101201	05/13/15	05/13/18		1,000,000

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

City of Newburyport is listed as additional insured.
Coast to the Cure Bike Ride 9/12/2015

CERTIFICATE HOLDER

NEWBURY

Town of Newburyport
60 Pleasant Street
Newburyport, MA 01950

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

Thomas Ward

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NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

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

- NAME OF EVENT: Pan-Merrimack Challenge
- Date: June 18, 2016 Time: from 7:00 am to 2:00 pm
 Rain Date: _____ Time: from _____ to _____
2. Location: michael's Harborside → Rail Trail → Public Roads / Back
3. Description of Property: Private Restaurant / Public Rail Trail Public ☒ Private ☐
4. Name of Organizer: Riverside Rockets - PMC City Sponsored Event: Yes _____ No ☒
 Contact Person Barry Connell
 Address: 36 Woodland St. Nbrpt. Telephone: 978-962-7462
 E-Mail: enviro.com@comcast.net Cell Phone: 978-621-0552
 Day of Event Contact & Phone: 978-621-0552
5. Number of Attendees Expected: 300
6. MA Tax Number: _____
7. Is the Event Being Advertised? Yes Where? Internet / Bicycling Events
8. What Age Group is the Event Targeted to? _____
9. 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? 20
- b) How many recycling receptacles will you be providing? 10
- 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 Nello Disposal Recycling Nello Disposal
- 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)

4 Standard # 4 ADA accessible

Name of company providing the portable toilets: United Site Services

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____

ROAD RACE _____

Bikeathon
WALKATHON X

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

Riverside Rockets

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

Barry Connell

36 Woodland St., N. W. Rd.

978-462-7462

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

Barry Connell - 978-621-0552

4. Date of Event: June 18, 2016 Expected Number of Participants: 300

5. Start Time: 8:00 am Expected End Time: 1:00 pm

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

Bike Athon

7. Locations of Water Stops (if any): Every 2 miles.

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

9. Formation Location & Time for Participants: Michael's Harbor Side Parking Lot.

10. Dismissal Location & Time for Participants: 1:00 pm

11. Additional Parade Information:

• Number of Floats: NA

• 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. SHB 4/28/16 0 Greenleaf St.

DEPUTY DIRECTOR [Signature] 16A Perry Way

CITY CLERK

[Signature] 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>	
	<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.

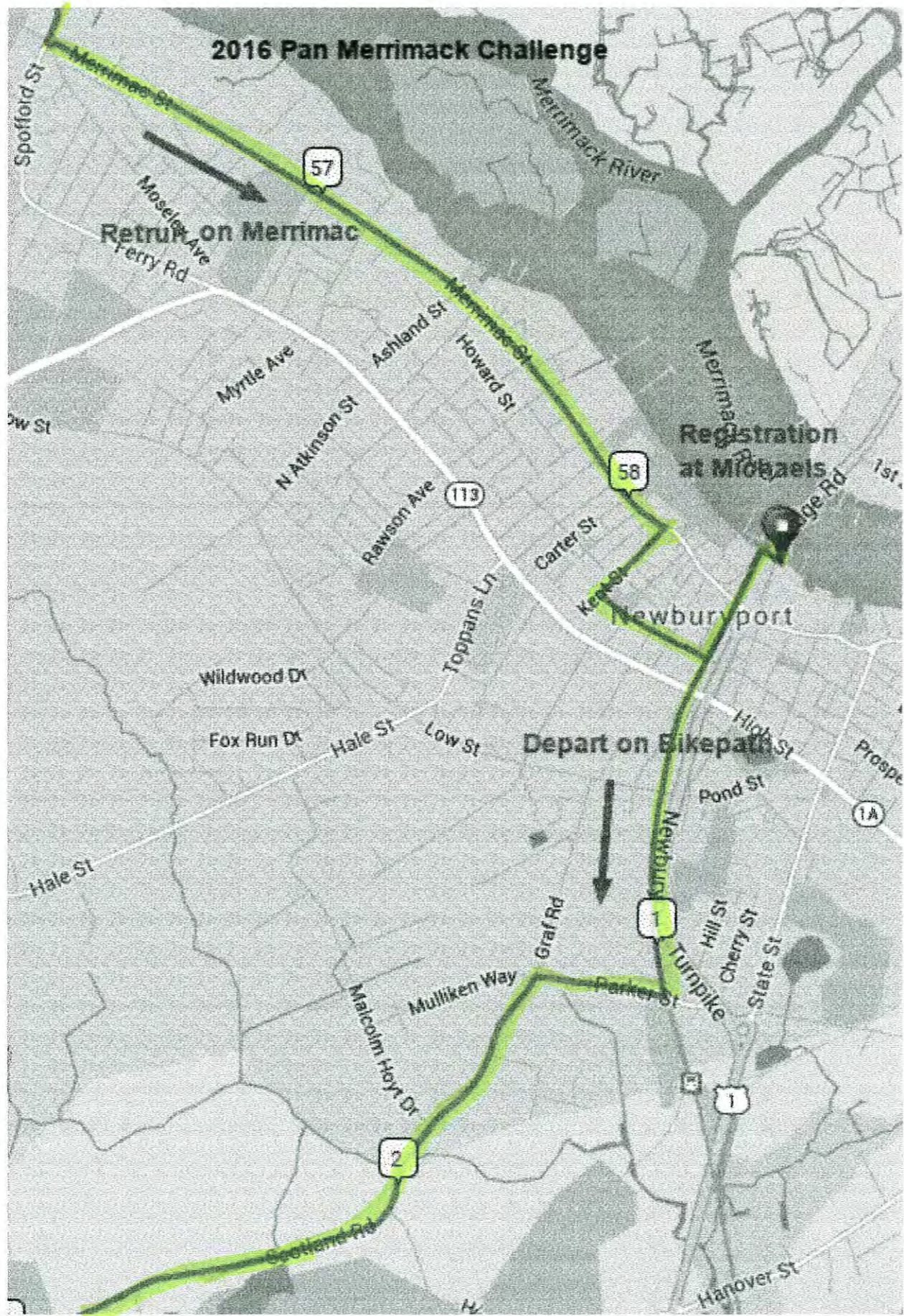
13-101 Enforcement

- (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:  Date: 4/25/16

2016 Pan Merrimack Challenge





CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY

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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2016 MAY - 3 P 7 7

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: May 3, 2016

Subject: FY2017 Proposed Budget

I am pleased to submit, forthwith, the City of Newburyport's Proposed Budget for fiscal year 2017. The proposed budget includes funds for the general operation and maintenance of the municipal government, education and debt service. Copies of the proposed budget will be made available to Councilors at your May 9, 2016 meeting.

As we slowly emerge from these challenging economic times, we have made difficult but deliberative choices to ensure our City remains on solid financial ground. We have moved forward on long overdue infrastructure needs and are working diligently to address the growing list of streets and sidewalks in need of repair. We must also remain dedicated to rebuilding our school programs and this year's budget demonstrates my continued commitment to doing so.

Although we are presenting a budget that allows us to maintain current level of programs and services, we must continue to be vigilant in efficiently managing these resources and maximizing benefits provided across the City. The development of this comprehensive budget and capital plan was a team effort and I am very grateful to the Finance Team members: Julie Languirand, Treasurer, Dan Raycroft, Assessor, and especially Heather Rowe, former Chief Administrative Officer and Ethan Manning, Finance Director/Auditor. Mr. Manning deserves much credit and recognition for his leadership and diligence in preparing this FY 2017 budget. We are proud to submit this budget to you for consideration and look forward to working with you over the coming weeks to finalize this process and begin FY2017.

Newburyport Retirement System
16 Unicorn Street
Newburyport, MA 01950

Board Members

Joseph Spaulding, Chairman
Jeffrey Cutter, Vice-Chairman
Alexander Kravchuk
Ethan Manning, City Auditor
John Moak

Laurie J. Burton,
Executive Director
Telephone: (978) 465-6619
Fax: (978) 462-4042

May 3, 2016

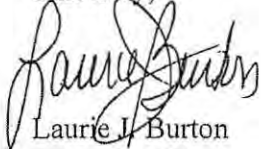
President and Members of the City Council
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

Re: Retirement Board Meeting for the Purpose of Voting on COLA for Retirees

Per the provisions of Section 51 of Chapter 127 of the Acts of 1999, we are hereby notifying you that the Newburyport Retirement Board will be holding a meeting in the retirement office at 16 Unicorn Street at 4:00 P.M on June 9, 2016.

The Retirement Board, at this meeting, will address the election of paying a COLA of up to 3% to the Retirees for FY 2017, pursuant to Chapter 32, Section 103 and Chapter 127, Section 51 of the Acts of 1999.

Sincerely,



Laurie J. Burton
Executive Director

**APPOINTMENTS
FIRST READING**



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

60 PLEASANT STREET - P.O. BOX 550

NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: April 27, 2016

Subject: Appointment

Donna D. Holaday

I hereby appoint, subject to your approval, the following named individual as Building Commissioner to fulfill the term of Gary Calderwood. This term will expire on January 15, 2018.

Peter Binette
255 Main Street
Amesbury, MA 01913

Peter Binette

255 Main Street
Amesbury, MA 01913
H: (603) 944-3551
M: (603) 944-3551

pbinette@cityofnewburyport.com

Executive Profile

Proactive Building Official knowledgeable in all facets of permitting, inspections and construction code compliance. Unique understanding of the process based on my experiences as a general contractor, government housing inspector and municipal building inspector. Excellent interpersonal skills when dealing with clients involved in the permitting process.

Skill Highlights

- Certified MA Building Commissioner
- Certified ICC Building Official
- Unrestricted MA construction supervisors license
- MA HIC license
- EPA lead paint certified
- Permit processing experience
- Blueprint fluency
- Extensive knowledge of state and local building codes.
- Historic preservation experience

Core Accomplishments

Permit processing:

- Processed record number of permits for three years in a row
- Handled all functions related to the permitting process
- Took in increased fees for the city three years in a row
- Reviewed all commercial submissions for ADA, MAAB compliance
- Participated in all technical review of upcoming projects

Project inspections:

- Maintained excellent communication with local architects and contractors
- Established an excellent Working relationship with the Health and Fire departments to ensure compliance
- Working to increase the number of Public Safety Certificate inspections to include fire escapes and commercial housing

Professional Experience

July 2013 to Current	City of Newburyport Building Inspector Local Building Inspector responsible for all facets of the permit process, compliance with all State and local codes/ordinances. Worked with local boards and commissions to ensure compliance with zoning, planning, ADA and historical regulations. Oversee the city's Housing Rehabilitation Program for eligible residents. Participating in the zoning re-write for Newburyport. Attending Historical and Commission on Disability commissions monthly.	Newburyport, MA
January 2000 to February 2013	Peter Binette Construction Owner, Peter Binette Construction Owner/operator of a contracting company responsible for all facets of specific jobs, bid process through sign off. Submitted all permitting applications, hands on supervision of all construction and record keeping. Responsible for all record keeping through the course of a	Amesbury, MA

project. Ensure code compliance for all projects, and be the point of contact for all municipal inspectors.

April 1990	Town of Ashland	Ashland, NH
to	Building Inspector/Grants Co-ordinator	
January 2000	Grant administrator/writer with a successful track record of over 20 million dollars in federal and state awards. Managed to completion projects ranging from housing rehabilitation to water/sewer work and road reconstruction. Facilitated all permit, inspections and sign offs with all government agencies involved. Also served as the town Building Inspector for 5 years of my time in Ashland responsible for all aspects of the building permit process. Installed new permit process to include separate electric and plumbing permit applications.	

Education

1992	University of New Hampshire	Durham, NH, USA
	Bachelor of Arts: Journalism/Physical Education	
	Graduated Magna Cum Laude with a BA in journalism and a minor in physical education. 6 credit hours short of a Masters degree in non-fiction writing.	



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. Box 556

NEWBURYPORT, MA 01950

978-465-4413 PHONE

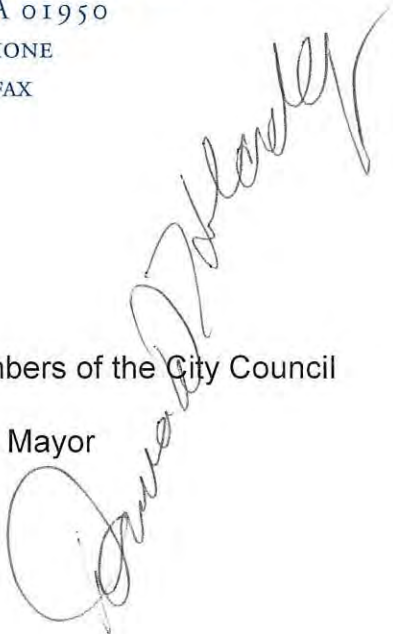
978-465-4402 FAX

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: April 27, 2016

Re: Re-Appointment



I hereby re-appoint, subject to your approval, the following named individual as a member of the Tree Commission. This term shall expire on May 1, 2019.

Byron M. Getchell
14 Milk Street
Newburyport, MA 01950

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

**APPOINTMENTS
SECOND READING**

Second Reading
APPOINTMENTS

- **APPT032_04_25_16** Brian Greenberg 29 Lafayette Street, Nbpt, MA Disability Comm
- **APPT033_04_25_16** Dr. Sam A. Merabi 7 Brown Square, Nbpt, MA Board of Health

In City Council April 25, 2016:

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

ORDERS

CITY OF NEWBURYPORT



 IN CITY COUNCIL
ORDERED:**Emergency Preamble**

Pursuant to Section 2-9(b) of the Charter of the City of Newburyport there exists an emergency as further defined in Section 1-7(7) of said Charter such that the Massachusetts School Building Authority requires this measure to be adopted before they can close out and complete the audits for both school building projects and release the remaining reimbursable funds to the City.

ORDR034_05_09_16

May 9, 2016

WHEREAS Massachusetts General laws Chapter 40, Section 5B allows municipalities to create multiple stabilization funds, assign different purposes to each, and take advantage of a unique funding option, and

WHEREAS new technology was installed at the Bresnahan Elementary School and the Nock/Molin Upper Elementary School as part of the recent school building projects and the School Building Committee voted to allocate funds for the maintenance of said technology, and

WHEREAS rebate checks were received by the City of Newburyport from National Grid for energy efficiency improvements at the Bresnahan Elementary School and the Nock/Molin Upper Elementary School as part of the school building projects, and

NOW, THEREFORE, the CITY COUNCIL of the CITY OF NEWBURYPORT hereby approves the following:

1. National Grid rebate checks totaling \$708,890.40 are accepted and appropriated in the amount of ~~\$604,000.00~~ to the Nock/Molin Upper Elementary School Renovation Project and \$104,890.40 to the Bresnahan School Building Project.
2. Special purpose stabilization funds are created to be named the Bresnahan Elementary School Technology Fund and the Nock/Molin Upper Elementary School Technology Fund in accordance with MGL Ch. 40, Sec. 5B.
3. Funds are appropriated from the Nock/Molin Upper Elementary School Renovation Project in the amount of \$250,000.00 to the Nock/Molin Upper Elementary School Technology Fund.
4. Funds are appropriated from the Bresnahan School Building Project in the amount of \$250,000.00 to the Bresnahan Elementary School Technology Fund.

 Councillor Charles F. Tontar
 Chair, Budget & Finance Committee



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

IN CITY COUNCIL:

ORDERED:

Date: May 9, 2016

WHEREAS William Lloyd Garrison was a resident of School Street, Newburyport and a prominent American abolitionist, journalist and social reformer, AND

WHEREAS A recent survey of the residents in the area of Atwood Park indicated that the preference is for green space rather than pavement, AND

WHEREAS The name "Garrison Gardens" has been approved by the Newburyport Parks Commission by vote on December 3, 2015;

NOW, THEREFORE THE CITY COUNCIL of the CITY OF NEWBURYPORT hereby approves the following:

1. The new green space and former tennis court portion of Atwood Park shall be known as "Garrison Gardens".

Councillor Barry N. Connell



Newburyport City Hall
60 Pleasant Street, PO Box 550
Newburyport, MA 01950
978.465.4462
FAX 978.465.4452
parks@cityofnewburyport.com

To: Thomas F. O'Brien, City Council President
Members of the City Council

From: Lisë Reid, Parks Director

Cc: Donna D. Holaday, Mayor
Richard Jones, City Clerk
Parks Commissioners

Date: 28 April 2016

Re: Naming of Garrison Gardens at Atwood Park

I am writing to respectfully request that the City Council approve naming of the new green space at Atwood Park "Garrison Gardens." The name was approved by the Parks Commission as recorded in their minutes of 3 December 2015.

The newly renovated park space is the site of a former tennis court that fell into disrepair. A 2015 online survey of residents revealed that the majority of respondents preferred turning the site into a new green space with a lawn, planting beds, walkways and benches. The project is expected to be complete in May 2016.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

EMERGENCY PREAMBLE

Pursuant to Charter Section 2-9 (b) an emergency exists due to the project schedule of the Bradley Fuller Athletic Field Facility. The monetary gifts referenced in this Order shall be used to fund the aforementioned project and time is of the essence.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that this measure may be voted upon at its first introduction to this Council.

ORDR036_05_09_16

May 9, 2016

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude the following gifts for the Bradley Fuller Athletic Field Facility:

- Friends of Newburyport Track in the amount of \$15,000
- Friends of Newburyport Track in the amount of \$100,000
- Newburyport Youth Lacrosse Association in the amount of \$30,000

The \$100,000 gift from the Friends of Newburyport Track is by and through Institution for Savings in Newburyport and Its Vicinity and will be disbursed over five years beginning in 2016.

The gift is accepted in accordance with M.G.L. Chapter 44, Section 53A1/2.

Councillor Thomas F. O'Brien



To: Thomas F. O'Brien, City Council President
Members of the City Council

From: Lisë Reid, Parks Director

Cc: Donna D. Holaday, Mayor
Richard Jones, City Clerk
Parks Commissioners

Date: 2 May 2016

Re: Acceptance of grant funds for Bradley Fuller Athletic Field Facility

I am writing to respectfully request that the City Council accept the following donations intended to fund renovation of the Bradley Fuller Athletic Field Facility.

- Friends of Newburyport Track in the amount of \$15,000
- Institution for Savings in the amount of \$100,000 to be disbursed over five years beginning in 2016
- Newburyport Youth Lacrosse Association in the amount of \$30,000

Acceptance of these funds is needed so that we may sign a contract this spring for a construction start date of June 8, 2016.

ORDINANCES

COMMITTEE ITEMS

BUDGET & FINANCE COMMITTEE ITEMS

1. **ORDR002_01_25_16** – Accept Gift of \$25,000 repairing Brown's Wharf Culvert (also COTW).
2. **ORDR014- 03- 14- 16** - Electricity Access Fee.
3. **COMM034_03_29_16** – CIP Submission FY 2016.
4. **ORDR029_04_11_16** – Parking Rates Order (also COTW).
5. **TRAN010_04_25_16** – Health Insurance 251,801.09 to Salary Accts 251,801.09

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 25, 2016

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude a gift from the Merrimac Street Ale House LLC in the amount of \$25,000.00 for the purpose of repairing the Brown's Wharf Culvert and appropriates said funds to the Brown's Wharf Culvert Project in accordance with M.G.L. Chapter 44, Section 53A.

Councillor Charles F. Tontar
Chair, Budget & Finance Committee

In City Council January 25, 2016:

Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. So voted

In City Council April 11, 2016:

Motion to remove by Councillor Tontar, seconded by Councillor Zeid. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. Motion to Table by Councillor Tontar, seconded by Councillor Cameron. So Voted (1 N BV); Motion to Reconsider by Councillor Earls, seconded by Councillor Cameron. So Voted. Motion to Refer to B&F and COTW by Councillor Zeid, seconded by Councillor Vogel. So Voted.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 8, 2016

THAT the City Council of the City of Newburyport hereby adds the following fee to be collected and managed by the Department of Public Services:

Electricity Access Permit \$10.00 per day.

Thomas F. O'Brien, President



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY
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NEWBURYPORT, MA 01950
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WWW.CITYOFNEWBURYPORT.COM

COMM034_03_29_16

CITY OF NEWBURYPORT
CITY OFFICE
NEWBURYPORT, MA

2016 MAR 22 P 1 00

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: March 29, 2016
Subject: FY2016-FY2020 Capital Improvement Program Submission

In accordance with Section 6-5 of the Charter, which requires the submission of a capital improvement plan to the City Council by April 1 of each year, I am pleased to submit an updated Capital Improvement Program for Fiscal Years 2016 through 2020.

The enclosed Capital Improvement Program continues the process initiated five years ago in the FY13 budget. The format of this document remains consistent - it includes an executive summary, cost estimates, supportive documentation, projected methods of financing, and long-term financial planning for a five-year window of capital investment needs. The fact that the Government Finance Officers Association has designated our annual budget document with a Distinguished Budget Presentation Award for the past three years speaks to the level of quality and detail contained in our CIP submissions for those fiscal years.

As was done previously, we have included projects that we have funded or proposed to be funded in the course of the current fiscal year to demonstrate the City's ongoing commitments to investing in our infrastructure and to show the strides being made to attend to the City's ongoing capital needs. As a result, this CIP constitutes a selection of projects and equipment that either have received funding already in FY16 or that we have requested funding before the end of the fiscal year.

This document should be viewed as a tool to illustrate how effective a coordinated approach to capital planning can be in the acquisition of equipment or completion of significant infrastructure improvement projects. Additionally, the fact that the revised Charter requires that this document be updated annually demonstrates the importance of this information being communicated to the City Council and the community as a whole.

I have placed significant emphasis on the importance of developing an organized and coordinated CIP for the City. Over the past few years, we have made progress in allocating funding for capital improvements into the operating budget and I am committed to continuing that trend to the greatest extent possible in FY17 and beyond.

As you know, we received support from the state's Division of Local Services to make further improvements to our capital planning process to increase our ability to predictably fund capital needs each year. We received their final report and recommendations in late February and will begin to implement feasible recommendations in FY17 related to our capital planning process. The entire report can be downloaded at:

<http://www.mass.gov/governor/administration/groups/communitycompactcabinet/reports/fy16/02-2016-newburyport-cip.pdf>

I urge the members of the City Council to carefully review the plan, which will also be made available for public viewing on the City's website, and look forward to working with you through the public hearing and adoption process as specified in the Charter.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date: April 11, 2016

THAT pursuant to the CITY OF NEWBURYPORT Code of Ordinances Section 13-180.1.(f)(1), the CITY COUNCIL of the CITY OF NEWBURYPORT hereby amends and approves the following schedule of parking fees and fines in the paid parking lots subject to introductory and time-limited discount incentive rates for paid parking permits pursuant to regulations promulgated by the Parking Clerk as described in Section 13-180.1.(f)(2):

Resident Permit for Paid Parking Lots	\$20.00
Senior Resident Permit for Paid Parking Lots	\$5.00
Employee Permit for Paid Parking Lots	\$100.00
Hourly fee for Paid Parking Lots	\$1.00
Fine for Non-Display, Non-Payment, or Overtime Violation	\$15.00

The Parking Clerk may, on a case-by-case basis, grant a hardship exemption from the above fee schedule for low-income seniors.

The above schedule of parking fees and fines shall be effective beginning Monday, May 30, 2016 (Memorial Day).

AND FURTHER that the CITY OF NEWBURYPORT Code of Ordinances is hereby amended as follows:

In Section 13-181., entitled "Parking lots," under subsection (a), replace the words "8:00 a.m. to 6:00 p.m. Monday through Saturday" with the words "8:00 a.m. to 8:00 p.m. Monday through Saturday between Memorial Day and Labor Day and 8:00 a.m. to 6:00 p.m. for the remainder of the year."

Councillor Jared J. Eigerman

BY "COM of whole"
JE/EC
roll call
1/1 - ET BV EC BC GE
12-16 SE EC JD TO "NO"



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2016 APR -5 P 2 11

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: April 5, 2016
Subject: Graf/Hale Force Main Construction Project Loan Order

I respectfully request your approval of the enclosed loan order appropriating \$2,751,000 to the Graf/Hale Force Main Construction Project, which was unanimously endorsed by the Water and Sewer Commission at their March 21, 2016 meeting.

According to Collection System Superintendent Jamie Tuccolo, the Hale Street Pump Station Force Main is a 14" asbestos cement force main which was installed in 1977. This force main joins the Graf Road Pump Station's 10" cast iron force main at the intersection of Graf Road and Low Street. The two force mains become a combined 16" asbestos cement force main where they connect and continue down Low Street, crossing over Route 1 and continuing up Pond Street where it discharges into a manhole at the intersection of Pond and Greenleaf Streets.

Testing in this area has resulted in findings of the pipe being out of round (meaning its shape has been completely altered) due to the age and type of material of the original main. This force main is currently in jeopardy of failure. Should failure occur, repairs would be extremely difficult and very costly due to the out of round shape and asbestos nature of the pipe. Any break or issues with the current force main would pose a serious problem for Sewer Division personnel and their safety, as well as, health risks to the general public.

The proposed force mains to be constructed are two independent 16" PVC force mains. The Sewer Division and its engineering firm, BETA, have completed the design and are ready for the bidding and construction process. As noted above, the construction cost estimate for replacement is \$2,751,000.

I strongly support the Department of Public Services and Water and Sewer Commission with the attached request for bonding. I thank you in advance for your consideration.



City of Newburyport

FY 2016

BUDGET TRANSFER REQUEST

RECEIVED
CITY OF NEWBURYPORT, MA

Department: Mayor's Office

Submitted by: Mayor Donna D. Holaday

Date Submitted: 4/25/2016

Transfer From:

Account Name	Health Insurance - Ch 32B	YTD Bal:	\$ 1,683,074.82
Account Number:	01914001-51700	Trans In:	\$ -
Amount:	\$251,801.09	Trans Out:	\$ -
Why are Funds Available:	<i>A surplus is anticipated in this account at year-end.</i>		

Transfer To:

Account Name	Multiple Accounts (see attached)	YTD Bal:	\$ -
Account Number:	See attached	Trans In:	\$ -
Amount:	\$251,801.09	Trans Out:	\$ -
Why are Funds Required:	<i>One-time budgeting correction. See attached explanatory memorandum.</i>		

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

Donna D. Holaday
Ethan R. Manning

Date: _____
Date: 4/13/16



CITY OF NEWBURYPORT
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: Tracy Maynard, Human Resources Director
Ethan Manning, Finance Director/City Auditor

Date: April 19, 2016

Subject: Payroll Transfer Request

The attached transfer request is a one-time adjustment correcting the way that the City budgets for salaried employees. Past practice has been to budget for 26 even payrolls for an employee, rather than the actual number of days in a year. This creates a problem known as the "27th pay period" every eleven years due to leap years and the fact that every year is not an exact 260 days (i.e. 52 weeks multiplied by 5 work days). This issue last came up in FY2006 and will arise again in FY2017, without a change in the way that the City budgets for salaried employees.

The current way of budgeting for salaried employees also creates an accounting issue that has been raised by our outside auditors over the past several years, but has not risen to the level of a management letter recommendation, as we have indicated the City's intent to correct the problem. Specifically, the accounting issue at hand is the "matching principle," which states that expenses should be charged to the period in which they are incurred. To illustrate the problem, the last 6 days of FY2014 were charged to FY2015, the last 7 days of FY2015 were charged to FY2016 and, without making this budgetary correction, the last 9 days of FY2016 would be charged to the FY2017, and so on. Every day of work in a fiscal year should be charged against that same fiscal year's budget.

The budgetary impact of this one-time correction is \$251,801.09 for the General Fund, \$11,948.34 for the Water Enterprise Fund, \$12,074.18 for the Sewer Enterprise Fund and \$2,312.68 for the Harbormaster Enterprise Fund. As the Enterprise Funds have larger personnel budgets which can absorb the difference, we are only recommending a transfer for the General Fund. Starting with the FY2017 budget, the City will be budgeting based on the actual number of work days in the fiscal year, which will be a *permanent solution* in keeping with proper accounting principles and budgeting best practices.

Payroll Transfer Request 4/25/2016

ORG	OBJ	ACCOUNT DESCRIPTION	TRANSFER AMOUNT
01111001	51160	CCN SAL CLK COUNCIL	\$144.06
01111001	51162	CCN SAL CLK COMMITTEE	\$20.77
01121001	51101	MYR SAL MAYOR	\$3,392.31
01121001	51120	MYR SAL CHIEF ADMIN OFFICER	\$2,423.08
01121001	51126	MYR SAL EXECUTIVE ASSISTANT	\$1,809.83
01121002	53006	MYR GRANT WRITER	\$1,350.00
01129001	51180	GEN PROCUREMENT OFFICER	\$346.15
01135001	51101	AUD SAL FINANCE DIR/AUDITOR	\$3,177.69
01135001	51102	AUD SAL ASST AUDITOR	\$2,213.48
01135001	51103	AUD SAL ADMIN ASSISTANT	\$1,962.11
01135001	51104	AUD SAL FINANCE CLERK	\$1,283.50
01141001	51101	ASR SAL ASSESSOR	\$2,744.30
01141001	51102	ASR SAL ASST ASSESSOR	\$2,207.10
01141001	51103	ASR SAL ADMIN ASSISTANT	\$1,796.80
01145001	51101	TRS SAL TREASURER	\$2,634.90
01145001	51102	TRS SAL ASST TREASURER	\$1,906.58
01151001	51101	IT SAL DIRECTOR	\$2,578.64
01152001	51101	HR SAL DIRECTOR	\$2,544.17
01152001	51102	HR PAYROLL & BENEFITS COORD	\$1,976.94
01161001	51101	CLK SAL CITY CLERK	\$2,250.87
01161001	51102	CLK SAL ASSIST CLERK	\$2,273.53
01161001	51103	CLK SAL ADMIN ASSISTANT	\$1,629.75
01161001	51166	CLK SAL PT OFFICE HELP	\$1,455.58
01163001	51160	BDR SAL CLERK REGISTRAR	\$72.03
01163001	51162	BDR SAL REGISTRARS	\$69.23
01182001	51101	OPD SAL PLANNING DIRECTOR	\$2,914.02
01182001	51102	OPD SAL PLANNER	\$1,428.99
01182001	51103	OPD SAL PROJECT PLANNER	\$2,557.41
01182001	51105	OPD PT CONSERVATION ADMIN	\$1,077.57
01210001	51110	POL SAL MARSHAL	\$4,591.77
01210001	51142	POL SAL OFFICERS	\$72,248.63
01220001	51101	FIR SAL FIRE CHIEF	\$4,321.66
01220001	51102	FIR SAL DEPUTY CHIEF	\$3,773.08
01220001	51142	FIR SAL FIRE FIGHTERS	\$73,230.02
01220001	51150	FIR ADMINISTRATIVE ASSISTANT	\$2,133.21
01241001	51101	BLD SAL BLDG INSPECTOR	\$2,744.25
01241001	51160	BLD SAL ASST BLDG INSPECTOR	\$803.88
01291001	51101	EMR COORDINATOR	\$346.15
01291001	51102	EMR DEPUTY COORDINATOR	\$103.85
01292001	51101	ANC SAL ANIMAL CONTROL OFFCR	\$1,211.98
01293001	51134	PKG SAL PARKING OFFICER	\$1,582.14
01421001	51101	DPS SAL DIRECTOR	\$1,261.48
01421001	51102	DPS SAL DEPUTY DIRECTOR	\$1,051.23
01421001	51103	DPS SAL BUSINESS MANAGER	\$807.45
01421001	51107	DPS SAL ELECTRICIAN	\$1,211.54
01421001	51117	DPS SAL ASST ENGINEER	\$673.34
01421001	51119	DPS SAL CITY ENGINEER	\$989.39
01510001	51101	HLH SAL HEALTH DIR	\$2,649.11
01510001	51103	HLH SAL OFFICE MANAGER	\$1,510.92
01510001	51711	HLH SAL PUBLIC HEALTH NURSE	\$1,072.27
01519001	51103	SUS SAL OFFICE MANAGER	\$251.82
01519001	51160	SUS SAL RECYCLE/ENERGY MGR	\$1,337.94
01541001	51101	COA SAL COA DIRECTOR	\$2,126.32
01541001	51162	COA SAL ACTIVITIES COORD	\$1,278.87
01541001	51164	COA SAL RECEPTIONIST	\$1,366.71
01542001	51101	YTH DIRECTOR YOUTH SERV	\$2,502.45
01542001	51160	YTH SAL ASSISTANT DIRECTOR	\$1,903.85
01542001	51163	YTH SAL PREVENTION COORD	\$623.08
01542001	51167	YTH SAL YOUTH COORDINATOR	\$450.00
01543001	51101	VET SAL VETERAN DIRECTOR	\$2,284.62
01543001	51102	VET PART-TIME ASSISTANT	\$1,315.38
01610001	51101	LIB SAL LIBRARIAN	\$2,954.56
01630001	51166	PRK SAL PARKS DIRECTOR	\$2,215.38
01914001	51706	INS WELLNESS PROGRAM	\$540.00
01921001	51161	COD SAL ADA COORDINATOR	\$91.38

TOTAL \$251,801.09

LICENSE & PERMIT COMMITTEE ITEMS

COMM047_04_25_16 Middle St. Foods App for Outdoor Seating

LAP



City of Newburyport

NEW FILING _____

RENEW ☒
 RECEIVED
 CLERK'S OFFICE
 NEWBURYPORT, MA

Application

2016 APR 19 A 10:33

Food Establishment Outdoor Seating on Public Property

Date:

4/13/16

Name of Business Owner:

John Coyle

Name of Property Owner:

Margaret DeGivie

Business Name:

Middle Street Foods

Business Address:

25 Middle St.

Business Phone:

978-375-1906

Number of Tables Requested:

2

Dimensions:

30" Square

Material:

Metal

Number of Chairs Requested:

4

Dimensions:

18" Round

Material:

Metal



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



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

Please note propane is not allowed unless approved by the Fire Department

Application Requirements

Please submit the following documents with the completed application to:

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

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

Middle Street Foods
25 Middle St.

Middle St →

Fire

10'
sidewalk

18"

Table
30"

18"

50'

18"

Table
30"

18"

Building



CERTIFICATE OF LIABILITY INSURANCE

MIDDLE-9

OP ID: AC

DATE (MM/DD/YYYY)

04/12/2016

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 Chase & Lunt LLC 65 Parker Street Newburyport, MA 01950 Select Business Unit	CONTACT NAME: Select Business Unit PHONE (A/C, No, Ext): 978-462-4434 FAX (A/C, No): 978-465-6204 E-MAIL ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: Guard Insurance Group INSURER B: AmTrust North America, Inc. INSURER C: INSURER D: INSURER E: INSURER F:
INSURED Middle Street Foods, DBA John Coyle 4 Glenwood Street Amesbury, MA 01913	NAIC #

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Business Owners GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC		MSBP616417	03/21/2016	03/21/2017	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (PER ACCIDENT) \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE				EACH OCCURRENCE \$ AGGREGATE \$
B	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	TWC3461359	03/21/2016	03/21/2017	<input checked="" type="checkbox"/> WC STATUTORY LIMITS E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000 PROPERTY 20,000

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

CERTIFICATE HOLDER

CANCELLATION

CITYNBT

City of Newburyport
City Hall, PO Box 550
Newburyport, MA 01950

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

AUTHORIZED REPRESENTATIVE

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PLANNING & DEVELOPMENT COMMITTEE ITEMS

- **ODNC001_01_25_16** Zoning Amend Smart Growth District (COTW)
- **COMM020_02_08_16** Memo re: hiring process for Building Commissioner
- **ODNC005_02_08_16** Zoning Amend App. A, Sec. III-C Zoning Map, dated Feb. 8, 2016
- **ODNC008_04_11_16** Zoning – Repair City-Owned Sidewalks (COTW)

194D
COW

CITY OF NEWBURYPORT ODNC001_1_25_16



IN CITY COUNCIL

ORDERED:

JANUARY 25, 2016

A ZONING ORDINANCE TO AMEND THE NEWBURYPORT SMART GROWTH DISTRICT (SGD)

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

Amend existing Subsection XXIX-B - Establishment & Applicability to read as follows, with deletions ~~double stricken through~~, and additions double-underlined:

XXIX-B Establishment & Applicability.

1. **Establishment:** The Smart Growth District (SGD) is hereby established as an overlay zoning district consisting of all such parcels of land depicted on a map entitled "40R Smart Growth District - Newburyport, MA," prepared by the Office of Planning and Development, and dated March 26, 2015. The Smart Growth District, hereinafter referred to as the SGD, is an overlay district having a land area of approximately 49.56 acres in size that is superimposed over the underlying zoning district(s) and is shown on the above referenced zoning map on file in the Office of the City Clerk, which is hereby made a part of the Zoning Ordinance.
2. **Underlying Zoning:** The SGD is an overlay district superimposed on all underlying zoning districts. The regulations for uses, dimensions, and all other provisions of the Zoning Ordinance governing the underlying zoning district shall remain in full force except for those Projects undergoing development pursuant to this Section. Within the boundaries of the SGD, a developer may elect either to develop a Project in accordance with the requirements of this Section, or to develop in accordance with requirements of the regulations for uses, dimensions, and all other provisions of the Zoning Ordinance governing the underlying zoning district.

3. **Applicability of SGD.** In accordance with the provisions of M.G.L. Chapter 40R and 760 CMR 59.00, an Applicant for a Project located within the SGD may seek Plan Approval in accordance with the requirements of this Section. In such case, notwithstanding anything to the contrary in this Zoning Ordinance, such application shall not be subject to any other provisions of this Zoning Ordinance, including limitations upon the issuance of building permits related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to building permit or dwelling unit limitations.
4. **Intersection of State and Parker Streets.** Notwithstanding anything to the contrary in this Zoning Ordinance, until such time as the City's Director of Public Services certifies to the City Council that U.S Route 1 has been rebuilt, reconfigured, retrofitted, or otherwise improved to ensure safe pedestrian access across U.S. Route 1 within the SGD and south of Parker Street, development of a Project pursuant to this Section shall not be permitted at any of the following parcels located near the intersection of State Street and Parker Street: Parcel 34-5 (165 State Street); Parcel 34-6 (3 Parker Street); Parcel 34-9-A (4 Parker Street); Parcel 34-11 (163-165 State Street); Parcel 34-12 (161 State Street); and Parcel 34-13 (151-155 State Street).

Councillor Robert J. Cronin

Councillor Jared J. Eigerman



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

11
COMM020_02_08_16

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2016 FEB -2 P 1 31

TO: President and Members of the City Council

FROM: Donna D. Holaday

DATE: 2/2/16

RE: Hiring Process for the City's Next Building Commissioner

Donna D. Holaday

As most of you are aware, I will be commencing a hiring process in the next couple of months to fill a critical position within our local government—that of the City's Building Commissioner. With the impending retirement of a long-time, dedicated employee, I have asked our Human Resources Department to update the position's job description and draft a job advertisement.

Given that a key part of serving in this role requires coordination and communication with many boards, commissions, employees, developers and members of the public, I wish to inform you of my intention to convene a search committee to review resumes of qualified applicants, conduct interviews and make recommendations of not fewer than three (3) final candidates to me.

The Search Committee will have ten (10) members consisting of the Chief Administrative Officer who shall serve as chair; the Human Resources Director; a representative from the Planning Department; a representative from the Fire Department; the Health Department Director; one member each from the City Council, Planning Board, Zoning Board of Appeals, and Historical Commission or Newburyport Preservation Trust, each of whom shall be named by the President/Chair of those bodies; and one member of the public chosen by me.

It is my intention to start this process by the end of this month.

pdx

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 8, 2016

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

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

Zoning Ordinance Amendment:**APPENDIX A: ZONING ORDINANCE OF THE CITY OF NEWBURYPORT****Section III-C: Zoning Map.**

THAT the Zoning Map of said Zoning Ordinance entitled "Zoning Map of the City of Newburyport" be amended pursuant to Section III-D "Changes to Zoning Map" such that the Downtown Overlay District (Section XXVII) is expanded to include Parcels 35-39 (13.5 Pond Street), 35-40 (5 Central Place), and 35-160 (149 High Street), and all other land, as depicted on the attached map entitled "DOD Zoning Map Change – Proposed," prepared by the Office of Planning & Development, and dated February 8, 2016.

Councillor Robert J. Cronin

Councillor Jared J. Eigerman



DOD Zoning Map Change - Proposed
February 8, 2016

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

APRIL 11, 2016

A ZONING ORDINANCE REGARDING REPAIR OF CITY-OWNED SIDEWALKS FOR LARGER PROJECTS REQUIRING ZONING RELIEF

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

Amend existing Section X-H.6.I., as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

1. In all cases where the board grants a variance from the strict application of the requirements of this chapter, it shall be the duty of such board to attach conditions and safeguards as may be required in order that the result of its action be as nearly as possible in accordance with the intent and purposes of this chapter; but excluding any condition, safeguards or limitation based upon the continued ownership of the land or structures to which the variance pertains by the applicant, petitioner or any owner. In all cases where a variance is granted for a project with an estimated construction cost of no less than one-hundred thousand dollars (\$100,000), the board shall require that both: (1) city-owned sidewalks adjoining the site be reconstructed, repaired, and/or replaced at the discretion of the department of public services pursuant to Sections 12-54 and 12-55 of the Newburyport Code, except that such department may accept an in-lieu payment by the applicant to the John Bromfield Fund pursuant to Section 12-9 of the Newburyport Code in an amount no less than the value of such required work; and (2) street trees be planted, preserved, and/or replaced along all public rights-of-way adjoining the site at the discretion of the tree warden pursuant to article VI of chapter 12 of Newburyport Code, except that the tree warden may accept an in-lieu payment by the applicant to the John Bromfield Fund pursuant to Section 12-181 of the Newburyport Code in an amount no less than the value of such required work.

ref
P&D
JE EC
JD/EC COW
SV
(DO)
BV BC

Amend existing Section X-H.7.B., as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

- B. Special permit conditions. In all cases where a special permit is granted for a project with an estimated construction cost of no less than one-hundred thousand dollars (\$100,000), the SPGA shall require that both: (i) city-owned sidewalks adjoining the site be reconstructed, repaired, and/or replaced at the discretion of the department of public services pursuant to Sections 12-54 and 12-55 of the Newburyport Code, except that such department may accept an in-lieu payment by the applicant to the John Bromfield Fund pursuant to Section 12-9 of the Newburyport Code in an amount no less than the value of such required work; and (ii) street trees be planted, preserved, and/or replaced along all public rights-of-way adjoining the site at the discretion of the tree warden pursuant to article VI of chapter 12 of Newburyport Code, except that the tree warden may accept an in-lieu payment by the applicant to the John Bromfield Fund pursuant to Section 12-181 of the Newburyport Code in an amount no less than the value of such required work. The SPGA shall also impose, in addition to any applicable conditions specified in this ordinance, such additional conditions as it finds reasonably appropriate to safeguard the neighborhood, or otherwise serve the purposes of this ordinance, including, but not limited to, the following:

Amend existing Section XV-H.a.6., as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

6. ~~Sidewalks,~~ Crosswalks, walkways, bike racks, or other pedestrian access may be required, and repairs to all city-owned sidewalks shall be required as follows, to allow access to adjacent properties and between individual businesses within a development: For those projects with an estimated construction cost of no less than one-hundred thousand dollars (\$100,000), the planning board shall require that both: (i) city-owned sidewalks adjoining the site be reconstructed, repaired, and/or replaced at the discretion of the department of public services pursuant to Sections 12-54 and 12-55 of the Newburyport Code, except that such department may accept an in-lieu payment by the applicant to the John Bromfield Fund pursuant to Section 12-9 of the Newburyport Code in an amount no less than the value of such required work; and (ii) street trees be planted, preserved, and/or replaced along all public rights-of-way adjoining the site at the discretion of the tree warden pursuant to article VI of chapter 12 of Newburyport Code, except that the tree warden may accept an in-lieu payment by the applicant to the John Bromfield Fund pursuant to Section 12-181 of the Newburyport Code in an amount no less than the value of such required work.

Amend existing Section XV-L.f., as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

- F. No building permit shall be issued unless both: (i) the department of public services has certified in writing to the planning board that all public utilities and work involving city-owned sidewalks have been

reviewed and approved by ~~such the respective utility~~ departments, and that the proposed utilities will be installed in accordance with plans submitted with the application; and (ii) the tree warden has certified in writing to the planning board that work involving city trees has been reviewed and approved by that officer and that it will be performed in accordance with plans submitted with the application.

Councillor Jared J. Eigerman