

CITY COUNCIL MEETING AGENDA - VERSION 1

April 13, 2015

7:30 PM

(Sound Check)

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

CONSENT AGENDA

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

7. APPROVAL OF MINUTES

March 30, 2015

(Approve)

8. TRANSFERS

1. Mayor Gen'l Fd Free Cash to Multiple Capital Projects \$358,289 (B&F)
2. Mayor Gen'l Fd Free Cash to Harbormaster Facility Project \$18,000 (B&F)
3. Youth Services REV Recreation Services to YTH Brown School Maint. \$1,875 (Approve)
4. DPS Sewer Rtd Earnings \$346,798 to SWR Overtime \$85,776, SWR Line Maint \$191,022, SWR Temp Housing \$70,000 (B&F, PU)

9. COMMUNICATIONS

1. Spring Fever 5K Road Race (Approve)
2. Outdoor Seating Renewal Atomic Cafe (Approve)
3. Outdoor Seating Renewal Purple Onion (Approve)
4. Outdoor Seating Renewal Agave Restaurant (Approve)
5. Letter regarding past due real estate taxes (L&P)
6. Support a Spot Program (Approve)

10. APPOINTMENTS – First Reading

APPOINTMENTS

- | | | | |
|---------------------|-----------------|--|-----------------|
| 1. Dr. Daryl Colden | 50 Tyng St. | Board of Health | January 1, 2018 |
| 2. John A Green | 12 Finnegan Way | Commission for Diversity and Tolerance | May 1, 2018 |

RE-APPOINTMENTS

- | | | | |
|-----------------|---------------------|----------------------------|----------------|
| 3. Cynthia Muir | 10 Hancock St. | Council on Aging | May 31, 2020 |
| 4. Ed Taylor | 25 Bromfield St., B | Tree Commission, Alternate | May 1, 2018 |
| 5. Mary Zinck | 6 Laurel Road | Board of Registrars | March 31, 2018 |

END OF CONSENT AGENDA

REGULAR AGENDA

11. TRANSFERS

5. Mayor Gen'l Fd Free Cash to Colby Farm Land Acquisition \$275,000

12. COMMUNICATIONS

7. Revised Election Calendar
8. FY2015-FY2019 Capital Improvement Program
9. LATE FILE – Mayor’s Communication

12. APPOINTMENTS - Second Reading

APPOINTMENTS

6. Elizabeth Horne	13 Moseley Ave.	Commission for Diversity & Tolerance	May 1, 2018
7. James Brugger	4 Savoy St.	Planning Board	May 1, 2020
8. Andrew Shapiro	20 Eagle St.	Planning Board	April 1, 2020
9. Donna Harrington	20 Beacon Ave.	Highland Cemetery Commission	February 1, 2018
10. Karen K. Johnson	120 High St.	Bartlet Mall Commission	February 1, 2018
11. Richard Goulet	19 Kent St.	ZBA Alternate to Full member	June 30, 2016

RE-APPOINTMENTS

12. Joseph C. Teixeira	44 Hale St.	Conservation Commission	March 1, 2018
13. Michael Dissette	44 Jefferson St.	Community Pres. Act Com.	March 1, 2018
14. Stephen B. Sawyer	15 Collins St.	Parks Commission	April 1, 2018
15. Kevin Hunt	14 Tenth St.	Veterans Agent	April 1, 2016

13. ORDERS

1. Snow Removal Plan
2. Cushing Park
3. Accept Oleo Woods land
4. Accept Woodman Way land
5. World War Memorial Stadium Multi-Purpose Field project appropriation Loan Order

14. ORDINANCES - None

15. COMMITTEE ITEMS

Budget & Finance

In Committee:

- | | |
|--|-------------|
| 1. Mayor letter regarding Order for Revolving Fund Expenses | *03/17/2014 |
| 2. Order Amend Revolving Fund expenses | *03/17/2014 |
| 3. Order Home Rule Petition- supplementing education budget (COTW) | *05/12/2014 |
| 4. Amend ORD Ch. 2 Section 2-45 City Council Salary | *05/12/2014 |
| 5. Amend ORD Ch. 2 Section 2-61A School Committee Salary | *05/12/2014 |
| 6. Human Resources Dependent Audit | *06/30/2014 |
| 7. Letter from Hope Church regarding Master Box fee | *11/10/2014 |
| 8. Mayor Gen'l Fd Free Cash to Veterans Benefits \$17,000 | *03/30/2015 |
| 9. Mayor Gen'l Fd Free Cash to YTH Access Accom. \$5,000, to YTH Brown School \$25,000 | *03/30/2015 |
| 10. Harbormaster Rate Increase | *03/30/2015 |

General Government

In Committee:

- | | |
|--|-------------|
| 1. Home Rule Petition Inter-municipal Agreement for Veterans Services (COTW) | *03/30/2015 |
|--|-------------|

Joint Education

In Committee:

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

License & Permits

In Committee:

- | | |
|--|-------------|
| 1. Movable Sign Application Newburyport Brewing Company | *02/10/2014 |
| 2. Amend ORD Sec. 9-114 Transient Vendors Restricted Areas | *04/28/2014 |
| 3. Letter regarding transient vendor licensing | *06/30/2014 |
| 4. Taxi License Renewal Harold Congdon Port Taxi, Inc. | *01/12/2015 |
| 5. Taxi Cab Company Renewal Seacoast Taxi | *03/09/2015 |

Neighborhoods and City Services

In Committee:

- | | |
|---|-------------|
| 1. Amend ORD Part 2 Article III Ch. 3-31 Feeding or baiting of wild birds | *01/12/2015 |
|---|-------------|

Planning & Development

In Committee:

- | | |
|---|-------------|
| 1. Letter from Newburyport Preservation Trust | *03/31/2014 |
| 2. First Refusal to Purchase Lot 8 Low Street | *01/12/2015 |
| 3. Amend ORD Zoning Map Sec. III-C "Back Bay Area Zoning Map Change" | *01/12/2015 |
| 4. Amend Zoning ORD Appendix A Sec. XXIX Smart Growth District (SGOD) | *01/29/2015 |

Public Safety

In Committee:

- | | |
|--|-------------|
| 1. Letter for use of Brown Square June 7, 2015 | *02/12/2015 |
| 2. Letter from Yankee Homecoming 2015 General Chair | *02/23/2015 |
| 3. Letter from Chamber of Commerce on 2015 use of streets | *02/23/2015 |
| 4. 4 th Annual Pan Mass Challenge Greater Newburyport Kids Ride June 28, 2015 | *03/09/2015 |
| 5. Coastal Trails Coalition Slow Bike Race July 29, 2015 | *03/30/2015 |

Public Utilities Committee

In Committee:

- | | |
|--|-------------|
| 1. Water and Sewer Commissions adjustment of sewer bill charges re second meters | *11/24/2014 |
|--|-------------|

Rules Committee

16. GOOD OF THE ORDER

17. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES - VERSION 1

March 30, 2015

HEARING 7:30PM Harnch's Way

The Clerk opened the hearing and conducted a roll call. The following Councillors answered present: Cameron, Connell, Cronin, Eigerman, Giunta, Herzog, Kinsey, Tontar, Vogel and O'Brien. 10 Present, 1 Absent (Heartquist). Council President asked if there were any persons who may wish to speak in favor or against the matter at hand. Attorney Griffin presented the plan of the new Harnch's Way on behalf of S&D Realty Trust. No one spoke against. The hearing was closed at 7:43 pm.

Council Meeting

Council President O'Brien called the meeting to order at 7:46 pm. A moment of silence was held for Bill Page of Page Insurance who was supporter of many local causes over the years and devoted much of his personal time and energy to the betterment of Newburyport. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Eigerman, Giunta, Herzog, Kinsey, Tontar, Vogel and O'Brien. 10 Present, 1 Absent (Heartquist).

1. **LATE FILES** – Communication #8 and #9, 10, Appointment #13, new Order #2

Motion to waive the rules and allow late files by Councillor Cameron, seconded by Councillor Kinsey. So voted.

2. PROCLAMATION

The Mayor and City Council President O'Brien read the Proclamation. Head Coach Foley thanked the Council and Coach Hennigar and Co-Captains Carleo and Graham were present.

3. MAYOR'S UPDATE

The Mayor gave an update.

4. PUBLIC COMMENT

- | | | |
|---------------------|---------------------|----------------------------|
| 1. Jerry Mullins | 7 Parsons Street | Colby Farm Properties |
| 2. James Brugger | 4 Savory Street | Planning Board Appointment |
| 3. Patty Myers | 14 Sylvester Street | Colby Farm Property |
| 4. Donna Harrington | 20 Beacon Avenue | Highland Cemetery |

CONSENT AGENDA

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5. APPROVAL OF MINUTES

March 9, 2015

(Approved)

6. TRANSFERS

- | | |
|--|-------|
| 1. Mayor Gen'l Fd Free Cash to Veterans Benefits \$17,000 | (B&F) |
| 2. Mayor Gen'l Fd Free Cash to YTH Access Accom. \$5,000, to YTH Brown School \$25,000 | (B&F) |

7. COMMUNICATIONS

- | | |
|---|-----------|
| 1. Outdoor Seating Renewal Oregano Restaurant | (Approve) |
|---|-----------|

Removed by Councillor Eigerman.

- | | |
|---|-----------------|
| 2. Outdoor Seating Renewal Middle Street Foods | (Approve) |
| 3. Amer. Diabetes Assoc. North Shore Tour De Cure Special Event App. May 17, 2015 | (Public Safety) |

Removed by Councillor Cronin.

- | | |
|--|-----------------|
| 4. Letter reappointing H. Nelson Burns rep to Whittier Voc Tech School Committee | (R&F) |
| 5. Block Party Cherry Hill Soccer Fields, June 20, 2015 | (Approve) |
| 6. Richard W. England, Energy Advisory Committee | (R&F) |
| 7. Coastal Trails Coalition Slow Bike Race July 29, 2015 | (Public Safety) |

8. APPOINTMENTS – First Reading

APPOINTMENTS

1. Elizabeth Horne	13 Moseley Ave.	Commission for Diversity & Tolerance	May 1, 2018
2. James Brugger	4 Savoy St.	Planning Board	May 1, 2020
3. Andrew Shapiro	20 Eagle St.	Planning Board	April 1, 2020
4. Donna Harrington	20 Beacon Ave.	Highland Cemetery Commission	February 1, 2018
5. Karen K. Johnson	120 High St.	Bartlet Mall Commission	February 1, 2018
6. Richard Goulet	19 Kent St.	ZBA Alternate to Full member	June 30, 2016
7. Renee Bourdeau	376 High St.	Alternate Zoning Board of Appeals	March 1, 2020

Removed by Councillor Eigerman.

RE-APPOINTMENTS

8. Joseph C. Teixeira	44 Hale St.	Conservation Commission	March 1, 2018
9. Michael Disette	44 Jefferson St.	Community Pres. Act Com.	March 1, 2018
10. Stephen B. Sawyer	15 Collins St.	Parks Commission	April 1, 2018
11. Kevin Hunt	14 Tenth St.	Veterans Agent	April 1, 2016

END OF CONSENT AGENDA

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

REGULAR AGENDA

9. COMMUNICATIONS

1. Outdoor Seating Renewal Oregano Restaurant

Motion to approve pending receipt of updated insurance certificate by Councillor Eigerman, seconded by Councillor Bruce Vogel. So voted.

3. LATE FILE - Amer. Diabetes Assoc. North Shore Tour De Cure Special Event App. May 17, 2015

Motion to approve by Councillor Cronin, seconded by Councillor Connell . So voted.

8. LATE FILE - Mayor's Update

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

9. LATE FILE - Temporary Police Marshal Murray

Motion to approve by Councillor Cameron, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Heartquist). So voted.

10. LATE FILE - The Port Tavern Outdoor Seating Renewal

Motion to approve with the addition of signature by the ADA Coordinator added to the Outdoor Seating Application by Councillor Eigerman, seconded by Councillor Kinsey. So voted.

10. APPOINTMENTS – First Reading

7. Renee Bourdeau 376 High St. Alternate Zoning Board of Appeals March 1, 2020

Motion to waive the rules and approve in one reading by Councillor Cameron, seconded by Councillor Connell . Roll call vote, 10 yes, 1 absent (Heartquist). So voted.

11. APPOINTMENTS – Second Reading

RE-APPOINTMENTS

12. Jamie Pennington 16 Eagle St. Zoning Board of Appeals January 5, 2020

Motion to approve by Councillor Connell, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Heartquist). So voted.

12. LATE FILE APPOINTMENTS – First Reading

13. Christopher LeClaire 570 Ocean Blvd, Portsmouth Emergency Mgmt

Motion to waive the rules and approve in one reading by Councillor Cameron, seconded by Councillor Kinsey. Roll call vote, 10 yes, 1 absent (Heartquist). So voted.

13. ORDERS

1. TABLED - Discontinuance Harnch's Way - pending ZBA decision

Motion to remove from the Table by Councillor Cameron, seconded by Councillor Kinsey. Roll call vote, 10 yes, 1 absent (Heartquist). So voted. Motion to receive and file by Councillor Cameron, seconded by Councillor Kinsey. Roll call vote, 10 yes, 1 absent (Heartquist). So voted.

2. Discontinuance Harnch's Way Revised

Motion to approve by Councillor Giunta, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Heartquist). So voted.

3. Licensed Contractor Peter D. Nicol Excavating, Inc.

Motion to approve by Councillor Herzog, seconded by Councillor Giunta. 10 yes, 1 absent (Heartquist). So voted.

4. Home Rule Petition Inter-municipal Agreement for Veterans Services

Motion to refer to General Government by Councillor Cameron, seconded by Councillor Giunta. Motion friendly amendment to refer to Committee of the Whole by Councillor Herzog, seconded by Councillor Giunta. 10 yes, 1 absent (Heartquist). So voted.

5. Harbormaster Rate Increase

Motion to refer to Budget & Finance by Councillor Cronin, seconded by Councillor Cameron. 10 yes, 1 absent (Heartquist). So voted.

14. ORDINANCES – None

15. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Mayor letter regarding Order for Revolving Fund Expenses *03/17/2014
2. Order Amend Revolving Fund expenses *03/17/2014
3. Order Home Rule Petition- supplementing education budget (COTW) *05/12/2014
4. Amend ORD Ch. 2 Section 2-45 City Council Salary *05/12/2014
5. Amend ORD Ch. 2 Section 2-61A School Committee Salary *05/12/2014
6. Human Resources Dependent Audit *06/30/2014
7. Letter from Hope Church regarding Master Box fee *11/10/2014
8. Snow Budget Deficit *02/12/2015

Motion to remove by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Giunta. So voted.

9. Mayor Gen'l Fd Free Cash to HS Renovations \$30,000

*03/09/2015

Motion to remove by Councillor Tontar, seconded by Councillor Cameron. 9 yes, 1 no (Herzog), 1 absent (Heartquist). So voted. Motion to approve by Councillor Tontar, seconded by Councillor Giunta. So voted.

General Government

Joint Education

In Committee:

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

License & Permits

In Committee:

1. Movable Sign Application Newburyport Brewing Company *02/10/2014
2. Amend ORD Sec. 9-114 Transient Vendors Restricted Areas *04/28/2014
3. Letter regarding transient vendor licensing *06/30/2014
4. Taxi License Renewal Harold Congdon Port Taxi, Inc. *01/12/2015
5. Taxi Cab Company Renewal Seacoast Taxi *03/09/2015

Neighborhoods and City Services

In Committee:

1. Amend ORD Part 2 Article III Ch. 3-31 Feeding or baiting of wild birds *01/12/2015

Planning & Development

Councillor Cameron stated that there is a Planning & Development meeting on April 2nd.

In Committee:

- | | |
|---|-------------|
| 1. Letter from Newburyport Preservation Trust | *03/31/2014 |
| 2. First Refusal to Purchase Lot 8 Low Street | *01/12/2015 |
| 3. Amend ORD Zoning Map Sec. III-C "Back Bay Area Zoning Map Change" | *01/12/2015 |
| 4. Amend Zoning ORD Appendix A Sec. XXIX Smart Growth District (SGOD) | *01/29/2015 |

Public Safety

Councillor Cronin stated that effective March 7, 2015 a new law went into effect that anytime a motorist has their wipers on they should also have their headlights on.

In Committee:

- | | |
|---|-------------|
| 1. Letter for use of Brown Square June 7, 2015 | *02/12/2015 |
| 2. Letter from Yankee Homecoming 2015 General Chair | *02/23/2015 |
| 3. Letter from Chamber of Commerce on 2015 use of streets | *02/23/2015 |

Public Utilities Committee

In Committee:

- | | |
|--|-------------|
| 1. Water and Sewer Commissions adjustment of sewer bill charges re second meters | *11/24/2014 |
|--|-------------|

Rules Committee

16. GOOD OF THE ORDER

Councillor Eigerman reported that he marched in the St. Patrick's Day parade in Lawrence at the invitation of Mayor Rivera.

Councillor Giunta encouraged anyone interested in preserving Colby Farm to come to the CPC meeting.

Councillor Cameron encouraged all to attend the Say No to Prejudice forum on April 7th.

17. ADJOURNMENT

Councillor Tontar moved to adjourn, seconded by Councilor Cameron at 8:47pm. 10 yes, 1 absent (Heartquist). So voted.

TRANSFERS



Transfer #1
April 13, 2015

City of Newburyport
FY 2015
BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2015 APR -7 P 3:54

Department: Mayor's Office

Submitted by: Mayor Donna D. Holaday

Date Submitted: 4/7/2015

Transfer From:

Account Name	General Fund - Free Cash	YTD Bal:	\$ 1,769,443.57
Account Number:	01-35910	Trans In:	\$ -
Amount:	\$358,289.00	Trans Out:	\$ 603,602.43
Why are Funds Available:	<i>The Massachusetts Department of Revenue certified Free Cash for FY2015 at \$2,373,046. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.</i>		

Transfer To:

Account Name	Multiple Capital Projects (see attached)	YTD Bal:	
Account Number:	See attached	Trans In:	\$ -
Amount:	\$358,289.00	Trans Out:	\$ -
Why are Funds Required:	<i>See attached memo and project listing.</i>		

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

Donna D. Holaday
Ethan R. Manning

Date: 4/7/15
Date: 4/7/15

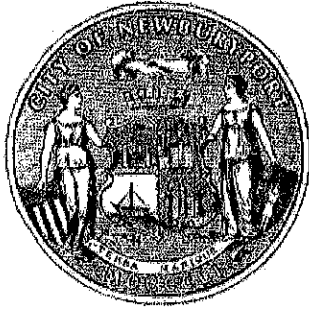
Capital Project Transfer Requests April 13, 2015

RECEIVED
CITY OF PORTLAND
OFFICE OF THE
CITY CLERK

54

Department/Location	Purpose	Amount	Account Name	Account Number	Current Balance
City Hall	First Floor Men's				
	Bathroom Renovations	15,000.00	DPS MAINT/BUILDING REPAIR	01421002-52402	2,746.60
DPS	1.5 Ton F550	70,000.00	DPS TRUCK PURCHASE	01421008-58922	0.00
DPS	Tree Brush Chipper	50,000.00	HWY TREE CHIPPER	01421008-58458	0.00
DPS	3/4 Ton Pick-Up with Plow	40,000.00	DPS TRUCK PURCHASE	01421008-58922	0.00
DPS	Street Sweeper	67,000.00	DPS STREET SWEEPER	01421008-58462	0.00
Fire	Remote Antenna Repair	25,239.00	FIR MAINT-EQUIPMENT	01220002-52402	0.00
	20 Computers, 2				
	Multifunction PSF, and 4				
IT	HP Procure Switches	48,500.00	IT HARDWARE MAINT	01151002-52404	9,483.29
Library	VOIP Phone System	16,425.00	LIB TELECOMMUNICATIONS	01610002-53660	0.00
Parks	Nock/Molin Field Design	10,500.00	PRK FIELD DESIGN	01630002-53001	0.00
	Cashman Park Right Field				
Parks	Netting	10,000.00	PRK CASHMAN PARK	01630002-52680	0.00
Youth Services	Brown School Gym				
	Handicapped Ramp	5,625.00	YTH FACILITIES MAINTENANCE	01542007-57843	0.00

Total: \$358,289.00



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: April 7, 2015
Subject: Free Cash Transfer Requests to Fund FY15 Capital Needs

Now that our substantial FY15 Snow and Ice deficit is a fixed cost, the City can definitively ascertain what our current financial capacity is to fund this year's Capital Improvement Program. Over the past several weeks, I have worked with Department Heads and our Finance Team to identify priority capital expenditures that require immediate attention in the months ahead. Based on their feedback and consistent with the FY15 CIP, I am requesting Free Cash transfers to fund the following purchases:

- City Hall First Floor Men's Bathroom Upgrade
Cost: \$15,000.00
Rationale: Funding is needed to make this bathroom functional and sanitary, and to bring it into ADA compliance. A majority of this rehabilitation work will be done with in-house maintenance staff, thereby reducing the overall project budget.
- 1 ½ Ton Pick-up Truck
Cost: \$70,000.00
Rationale: The Highway Department's current 1-Ton pick-up trucks are well over 10 years old and are being replaced with slightly larger vehicles. This purchase will replace a 2001 Ford F350 that was taken out of service this summer for a number of safety reasons. These pickup trucks are the Highway Division's primary vehicles for everyday activities including, but not limited to roadwork, trash pick-up, and transportation of equipment.
- Tree/Brush Chipper
Cost: \$50,000.00
Rationale: Current equipment is 10 years old, has had numerous mechanical failures, is undersized, and is essential for emergency response during storm events. This piece of equipment is also used for everyday tree maintenance throughout the City.

- ¾ Ton Pick-up Truck with complete plow assembly

Cost: \$40,000.00

Rationale: This request is consistent with the replacement program outlined in the CIP for the Highway Department's fleet of ¾ ton pick-up trucks. This purchase will replace a 1999 Chevrolet vehicle which has well exceeded its useful life of 10 years.

- Street Sweeper

Cost: \$67,000.00

Rationale: Last year, the City replaced its 2003 Elgin Pelican street sweeper. New stormwater regulations from the state require that DPS sweep all City streets at least twice a year. This FY15 cost represents the second year's payment on a three-year lease to own arrangement.

- Repair of Remote Antennas for Public Safety Communications

Cost: \$25,239.00

Rationale: The antenna arrays at both the Storey Ave and Water Tower sites are not properly mounted and/or broken, and are not operating at peak power. DPS has been re-welding the brackets for years, with occasional system failures occurring during inclement weather. The new antennas will improve the clarity and range of Police, Fire, and DPS radio communications.

- Computers and various IT Hardware

Cost: \$48,500.00

Rationale: Last year, we integrated a long-term replacement program for computer and other IT infrastructure into the CIP. This funding will allow the City to purchase 20 new computers and 2 copier/scanner/printer units. We have also included funding for 4 HP Procurve Switches since they are now 10 years old, were not part of the 2011 Technology Upgrade, and are susceptible to failure.

- Library Phone System

Cost: \$16,425.00

Rationale: The Library's 14-year old phone system is not VOIP enabled and is not integrated with the City Hall phone system. It includes only three lines, which is inadequate for a department with four fully staffed service desks, a number of staff offices, and a large volume of daily calls. Having a phone system with desktop integration will assist with staff efficiency/productivity and improve patron service. The quoted system will provide ten phone lines, visual voicemail, call recording, auto attendant, wave global administrator, and viewpoint desktop call management. This item has been included, but not funded, in the CIP for the past two years.

- Nock-Molin Baseball Diamond Design

Cost: \$10,500.00

Rationale: Funding will support consulting services relating to the design and engineering of site, drainage, and utility improvements for a new baseball field and renovation to the adjacent natural grass fields behind the Nock Molin Middle School. This preliminary design work is also necessary to deliver schematic renderings that will be used to leverage private donations to help cover some of the project construction costs.

- Cashman Park Right Field Netting

Cost: \$10,000.00

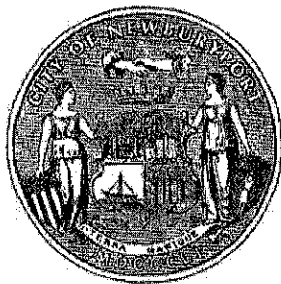
Rationale: There is currently no barrier to protect this area of the park adjacent to the baseball diamond. This cost includes the installation of all necessary support structures, footings, wiring, and netting along the right field perimeter to provide adequate safety measures.

- Brown School Handicapped Ramp

Cost: \$7,500.00 (\$5,625 from Free Cash and \$1,875 from Recreation Revolving)

Rationale: An ADA ramp and railing at the Brown School is necessary to allow handicap access to the Brown School via the gym entrance on Lime Street. The gym space is used by the Youth Services afterschool drop-in program and is also one of the City's designated voting locations.

These projects represent \$360,164.00 in total capital investments, including the \$1,875.00 from Youth Services' Recreation Revolving Account to cover their 25% contribution to the ADA ramp at the Brown School. I look forward to discussing these funding needs in further detail when this request has been referred to the Budget and Finance Committee for their review.



CITY OF NEWBURYPORT
OFFICE OF PLANNING AND DEVELOPMENT
60 PLEASANT STREET • P.O. Box 550
NEWBURYPORT, MA 01950
(978) 465-4400 • (978) 465-4452 (FAX)

DONNA D. HOLADAY
MAYOR

MEMORANDUM

TO: NEWBURYPORT CITY COUNCIL

FROM: GEORDIE VINING, SENIOR PROJECT MANAGER

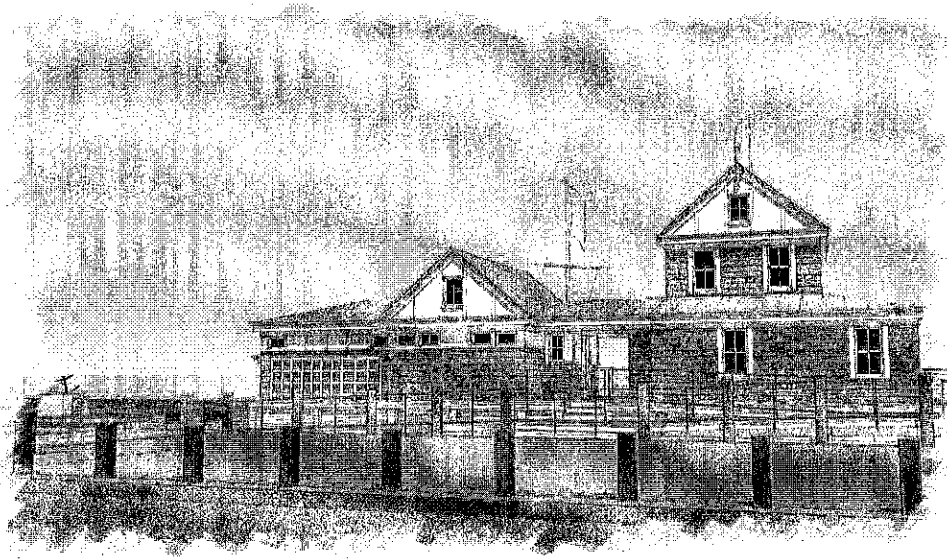
SUBJECT: HARBORMASTER/VISITING BOATER FACILITY: FINAL DESIGN & CONSTRUCTION ADMIN. FUNDING

DATE: 4/7/15

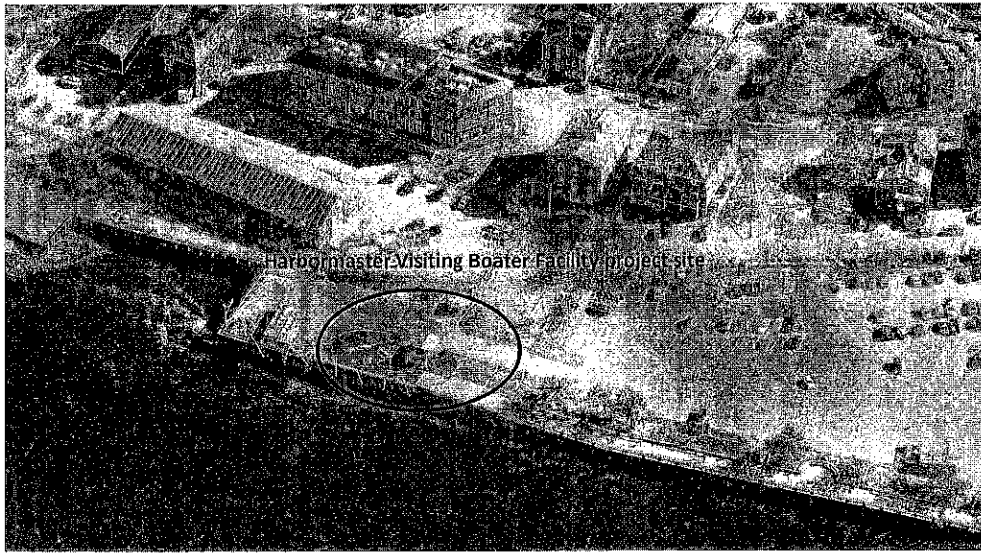
We are writing to respectfully request that the City Council approve allocation of \$18,000 from Free Cash to support completing design of the Harbormaster/Visiting Boater Facility project as well as anticipated construction administration. To date, design for this project has been supported by \$140,375 from boaters' fees. We are currently at 75% design, and additional funding is needed to complete the design including the waterfront bathrooms for the general public as well as the adjacent plaza for the public. (Please see the attached aerial photo for the site, as well as renderings and a spreadsheet.) The additional design funding is needed now so that we can stay on track to complete design and permitting by the end of May 2015 so the project can be bid in June for construction starting this fall in September 2015.

The City has been working for over a year on design and permitting of the project with the design team of Keery Design and Olson Lewis + Architects plus various sub-consultants. In addition to the project kick-off meeting for the general public, there have been over a dozen public meetings through the Harbor Commission, Waterfront Trust, Redevelopment Authority, and Conservation Commission as the design has been developed for the project. Located on the Fish Pier, the building will be approximately 1,736 square feet. One side will include customer service, reception, and meeting space, as well as administrative office, staff lockers, and storage space. The other side, connected by a breezeway, will provide bathrooms for the general public plus showers and laundry facilities for visiting boaters. There will also be a small second floor office for the Harbormaster. The structure will be raised approximately three feet above grade in order to accommodate storm surges and meet floodplain code requirements. In addition, there will be an adjacent outdoor brick plaza centered on the relocated fishermen's monument with picnic tables, benches and landscaping.

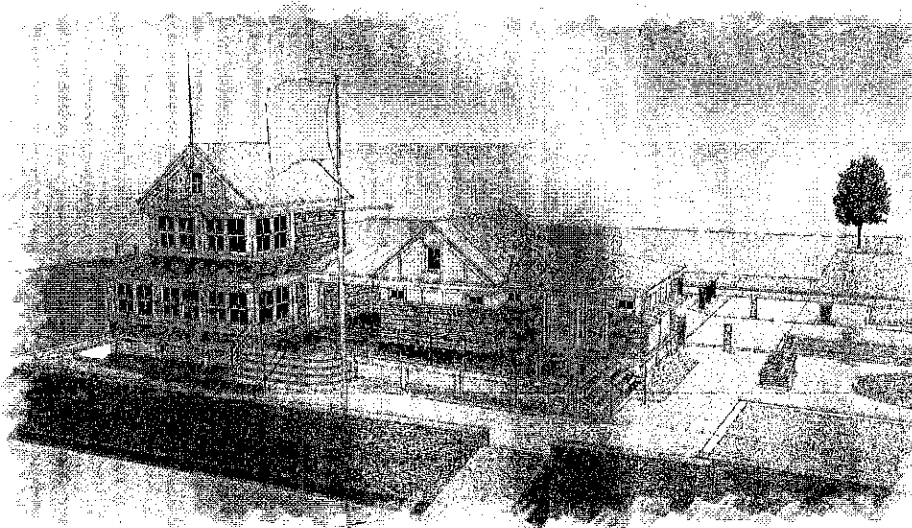
Last fall, the City applied in partnership with the Commonwealth's Division of Marine Fisheries for a nationally competitive federal Boating Infrastructure Grant of \$448,000 from the U.S. Fish & Wildlife Service to support the visiting boater aspect of the project. At the beginning of the month, we were informally given the positive news that we can use that grant figure for planning purposes as we await the formal award letter. The design team is currently working on the 75% cost estimate, which is anticipated to be approximately \$1,475,000. The project's design costs, including the requested additional design funding, will continue to be at the low end of the 10-15% of construction cost that is typical for such projects. Thank you for your consideration.



Rendering: View from South



Aerial Photograph: Project Site



Rendering: View from North

DESIGN PHASE BUDGET – Harbormaster Visiting Boater Facility

CURRENT FUNDING (Design)

Harbor Enterprise funding	\$134,200
Harbormaster Additional Services account	\$6,175

UNFUNDED DESIGN PHASE COSTS:

Civil engineering - 100% plans, specifications, construction services	\$5,000
Landscaping - 100% plans, specifications, construction services	\$5,000
Architecture – 100% plans, specifications, construction services	\$5,000
Structural engineering, specification writer, cost estimator	\$3,000
Total:	<u>\$18,000</u>

TOTAL DESIGN PHASE COSTS

Design (existing Olson Lewis contract)	\$127,360
Door/camera security engineering (GGD)	\$4,900
Solar roof engineering (Energy Integration Partners 360)	\$6,175
Final design/construction admin.	\$18,000
Miscellaneous	\$1,940
Total:	\$158,375



City of Newburyport
FY 2015
BUDGET TRANSFER REQUEST

Transfer #2
April 13, 2015

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2015 APR -1 P 3: 54

Department: Mayor's Office

Submitted by: Mayor Donna D. Holaday

Date Submitted: 4/7/2015

Transfer From:

Account Name	General Fund - Free Cash	YTD Bal:	\$ 1,769,443.57
Account Number:	01-35910	Trans In:	\$ -
Amount:	\$18,000.00	Trans Out:	\$ 603,602.43
Why are Funds Available:	<i>The Massachusetts Department of Revenue certified Free Cash for FY2015 at \$2,373,046. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.</i>		

Transfer To:

Account Name	Harbormaster Facility Project	YTD Bal:	\$ 45,459.38
Account Number:	3601-49700	Trans In:	\$ -
Amount:	\$18,000.00	Trans Out:	\$ -
Why are Funds Required:	<i>See attached explanatory memo from the Office of Planning & Development. The use of Free Cash is requested as the additional design components will provide a public benefit for the entire City.</i>		

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

Donna D. Holaday
Ethan R. Manning

Date: 4/7/15
Date: 4/7/15



Transfer #3
April 13, 2015

City of Newburyport

FY 2015

BUDGET TRANSFER REQUEST

Department: Youth Services

Submitted by: Andrea Egmont, Director

Date Submitted: 4/7/2015

Transfer From:

Account Name	REV Recreational Services	YTD Bal:	\$ 112,922.70
Account Number:	2803-59600	Trans In:	\$ -
Amount:	\$1,875.00	Trans Out:	\$ -
Why are Funds Available:	<i>The Recreational Services Revolving Fund is authorized under MGL Ch. 44 Sec. 53E1/2 to collect program fees and fund recreational services in the City.</i>		

Transfer To:

Account Name	YTH Brown School Maintenance	YTD Bal:	\$ -
Account Number:	01542007-57843	Trans In:	\$ -
Amount:	\$1,875.00	Trans Out:	\$ -
Why are Funds Required:	<i>To fund 25% of the ADA ramp and railing at the Brown School to allow handicap access to the Brown School via the gym entrance, which is one of the City's designated voting locations. The additional 75% will be funded from Free Cash to fund the \$7,500 project.</i>		

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

Donna D. Holaday
Ethan R. Manning

Date:

4/7/15

Date:

4/7/15



City of Newburyport

FY 2015

BUDGET TRANSFER REQUEST

Transfer #4
April 13, 2015

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2015 APR -1 P 3:55

Department: Department of Public Services

Submitted by: Anthony Furnari, Director

Date Submitted: 4/7/2015

Transfer From:

Account Name	Sewer Retained Earnings	YTD Bal:	\$ 1,938,132.00
Account Number:	61-35900	Trans In:	\$ -
Amount:	\$346,798.00	Trans Out:	\$ -
Why are Funds Available:	<i>The Massachusetts Department of Revenue certified Retained Earnings for the Sewer Enterprise Fund at \$1,938,132 for FY2015. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.</i>		

Transfer To:

Account Name	SWR Overtime	YTD Bal:	\$ (16,579.01)
Account Number:	61440001-51301	Trans In:	\$ -
Amount:	\$85,776.00	Trans Out:	\$ -
Why are Funds Required:	<i>Additional overtime expenses were incurred as a result of the disruption to the Plum Island sewer system in February and March 2015.</i>		

Transfer To:

Account Name	SWR Line Maintenance	YTD Bal:	\$ (99,273.66)
Account Number:	61440002-52408	Trans In:	\$ -
Amount:	\$191,022.00	Trans Out:	\$ -
Why are Funds Required:	<i>Contractors and supplies were required to bring the Plum Island sewer system back online. The City contracted with Belfinger AIRVAC to provide on-site experts, as well as, necessary components to repair the system at a cost of \$139,943. Additional costs included pumping trucks, safety equipment, and supplies.</i>		

Transfer To:

Account Name	SWR Temporary Housing	YTD Bal:	\$ -
Account Number:	61440002-53801	Trans In:	\$ -
Amount:	\$70,000.00	Trans Out:	\$ -
Why are Funds Required:	<i>The City offered temporary housing to residents that were displaced during the disruption to the Plum Island sewer system in five area hotels. It is anticipated that a large portion of this cost will be reimbursed by MIIA, the City's insurance carrier, once the claims are settled.</i>		

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

Donna D Holaday
Ethan R Manning

Date: 4/7/15
Date: 4/7/15

COMMUNICATIONS

NEWBURYPORT SPECIAL EVENT APPLICATION

SPECIAL EVENTS

Tel. (978)-465-4407 Fax. (978)-462-7936

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

- NAME OF EVENT: Spring Fever 5K Road Race
1. Date: May 3, 2015 Time: from noon to 2:00 pm
Rain Date: MA Time: from _____ to _____
2. Location: Bresnahan Elementary School
3. Description of Property: Local School Public _____ Private _____
4. Name of Organizer: Newburyport PTO City Sponsored Event: Yes _____ No X
Contact Scott Daigle Person: _____
Address: 21 B Cherry St Telephone: _____
E-Mail: Sdaigle@ptonline.com Cell Phone: 860-9175013
Day of Event Contact & Phone: Above
5. Number of Attendees Expected: 400
6. MA Tax Number: 04-3570772
7. Is the Event Being Advertised? Yes Where? Local Flyers and Banners
8. What Age Group is the Event Targeted to? 5-90
9. Have You Notified Neighborhood Groups or Abutters? Yes _____ No X 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 X 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. Clean Up: # of additional trash receptacles required _____ # of additional recycling receptacles required _____
- E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)
_____ Standard # _____ ADA accessible

Coordinating
with
School

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____

ROAD RACE X

WALKATHON _____

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

Newburyport PTO

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

21 B Cherry St, Newburyport MA 01950, 860-917-5013

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

4. Date of Event: 5/3/2015 Expected Number of Participants: 400

5. Start Time: Race Start 1:00 Expected End Time: Race End 1:45

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

High St, Mosely Ave, Moulton St, Merrimac St, Kent St

7. Locations of Water Stops (if any): Merrimac St across from Leary's

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

9. Formation Location & Time for Participants: Bresnahan School

10. Dismissal Location & Time for Participants: Bresnahan School

11. Additional Parade Information:

• Number of Floats: N/A

• Locations of Viewing Stations: N/A

• Are Weapons Being Carried: Yes _____ No X

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

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHAL

4 Green Street

FIRE CHIEF

Greenleaf Street

DEPUTY DIRECTOR

1 Perry Way

CITY CLERK

60 Pleasant St.

Scott Daigle 3/19/15
Scott Daigle 3/23/15
Scott Daigle

DEPARTMENT APPROVAL (For Committee members 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, & others may request cash in 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. ISD/Building: _____	
_____	6. Electrical: _____	
_____	7. Fire: _____	
	Is Fire Detail Required: _____	# of Details Assigned: _____
_____	8. Public Works: _____	
_____	9. Recreation Department: _____	
_____	10. 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: 3/23/2015

ACORDTM**CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)

03/16/2015

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 K&K Insurance Group, Inc. 1712 Magnavox Way Fort Wayne IN 46804		CONTACT NAME: Mass Merchandising PHONE (A/C, No. Ext): 1-800-426-2889 FAX (A/C, No): 1-260-459-5105 E-MAIL ADDRESS: info@sportsinsurance-kk.com	
INSURED City of Newburyport 21 B Cherry Street Newburyport, MA 01950 A Member of the Sports, Leisure & Entertainment RPG	2000844635	CP# 69	INSURER(S) AFFORDING COVERAGE INSURER A: Nationwide Mutual Insurance Company INSURER B: INSURER C: INSURER D:
			NAIC # 23787

COVERAGES **CERTIFICATE NUMBER:** 2000187679 **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/YY)	POLICY EXP (MM/DD/YY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER			6BRPG0000005725900	05/03/15 12:01 AM	05/04/15 12:01 AM	EACH OCCURRENCE \$2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$300,000 MED EXP (Any one person) \$5,000 PERSONAL & ADV INJURY \$2,000,000 GENERAL AGGREGATE \$5,000,000 PRODUCTS-COMP/OP AGG \$2,000,000 PROFESSIONAL LIABILITY LEGAL LIAB TO PARTICIPANTS \$2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS <input checked="" type="checkbox"/> Not provided while in Hawaii						COMBINED SINGLE LIMIT (Ea Accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION						EACH OCCURRENCE AGGREGATE
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					PER STATUTE E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT
A	MEDICAL PAYMENTS FOR PARTICIPANTS			6BRPG0000005725900	05/03/15 12:01 A.M.	05/04/15 12:01 A.M.	PRIMARY MEDICAL EXCESS MEDICAL \$25,000

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

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

Event Name: Spring Fever 5K

Event Type: Walk & Run

Event Dates: 05/03/15

Event Location: Bresnahan Elementary School, 333 High St., Newburyport, MA 01950

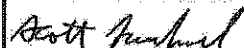
CERTIFICATE HOLDER

Evidence of Coverage

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



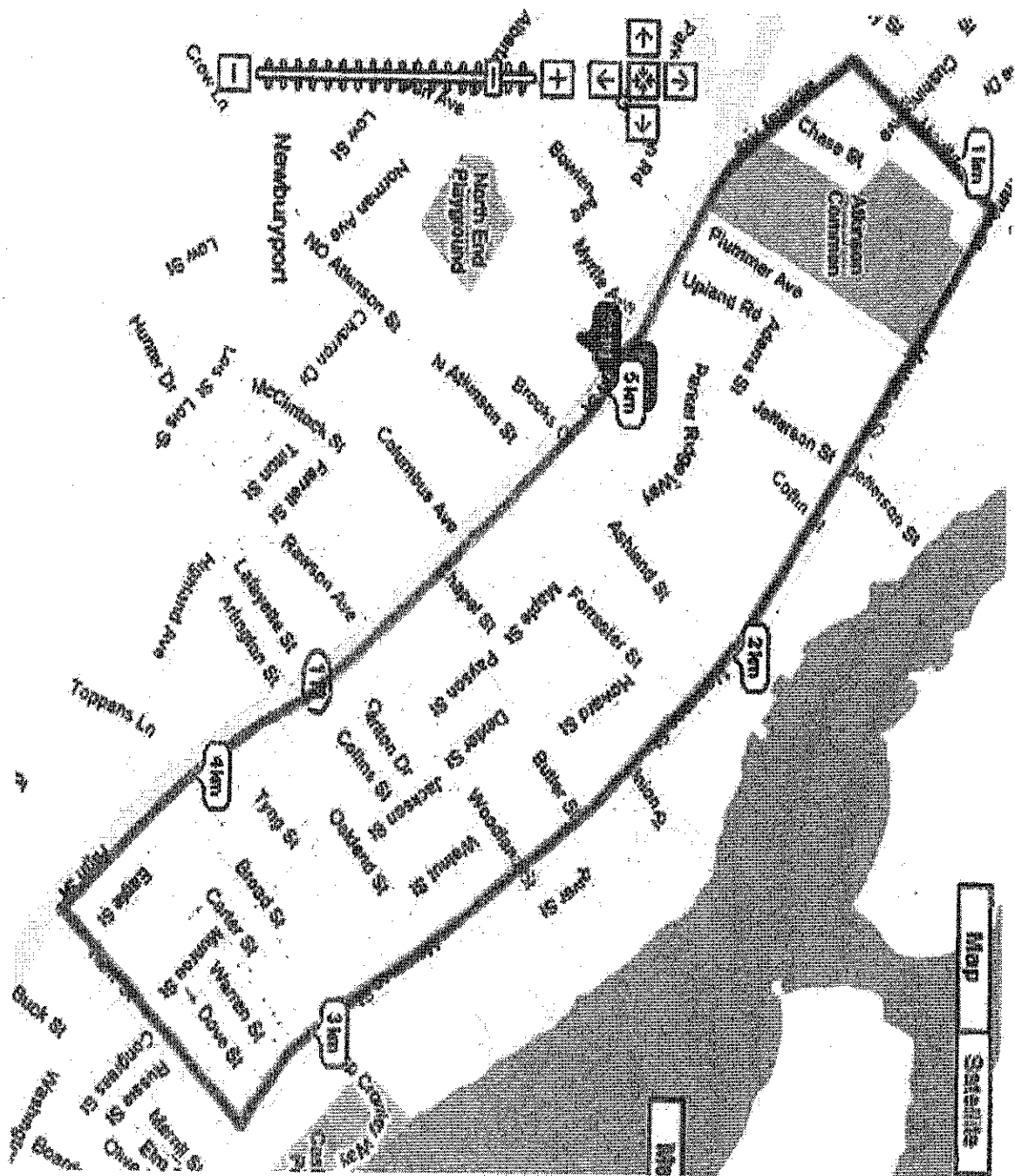
Coverage is only extended to U.S. events and activities.

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

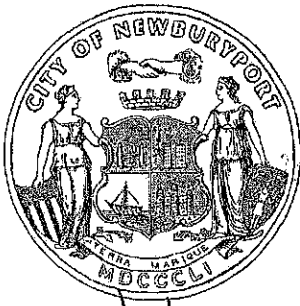
ACORD 25 (2014/01)

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NEW FILING _____
RENEW X



RECEIVED
CITY CLERK'S OFFICE
CITY OF NEWBURYPORT, MA

15 MAR 30 P 3:51
Application

Food Establishment, Outdoor Seating on Public Property

Date:

3/1/15

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 Telephone: 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.

With The understanding that Alcohol is not served at tables outside of main entrance.

Application Requirements



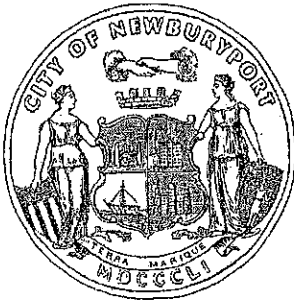
ADA Please submit the following documents with the completed application to:

COORDINATOR APPROVAL

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.

2) 8 1/2 x 11 sketch of outdoor seating detailing: a) measurements of tables and chairs
b) total width of sidewalk and c) distance between proposed seating and sidewalk



Application

Food Establishment Outdoor Seating on Public Property (continued)

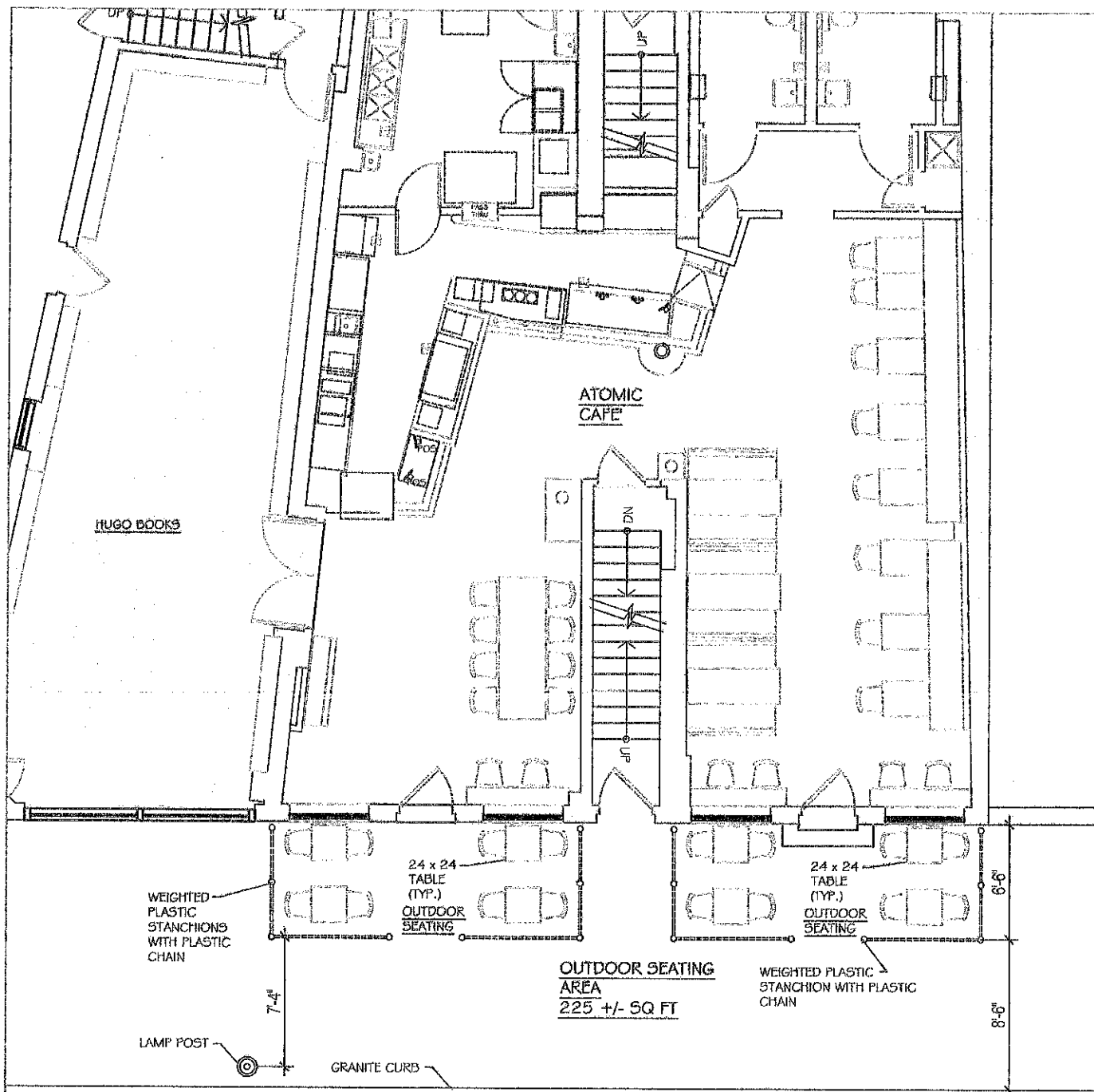
- 3) obstacles such as streetlights, signs, trees, benches, and garbage barrels.
- 4) Applicants seeking approval of outdoor seating for food and alcohol consumption must also submit:
 - a) Written and dated approval of the Newburyport License Commission for the outdoor service of alcohol, including the information and sketch used for the basis of the License Commission approval.
 - b) 8 1/2 x 11 sketch of outdoor seating cited above must also include a depiction and information on the placement, dimensions, and materials used to create a demarcated area for the service of alcohol.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way as described herein.

Signature of Business Owner

City Commissioner





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
03/24/2015

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-		CONTACT NAME: PHONE (A/C. No. Ext.): (978) 922-4600 FAX (A/C. No.): (978) 922-9276 E-MAIL ADDRESS:	
INSURED Atomic Coffee Co of Newburyport LLC 52 & 56 State St. Newburyport MA 01950-		INSURER(S) AFFORDING COVERAGE INSURER A: UNION MUTUAL OF VERMONT INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	

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	GENERAL LIABILITY		BOP0105058-01	09/03/2014	09/03/2015	EACH OCCURRENCE \$ 2,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			/ /	/ /	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR			/ /	/ /	MED EXP (Any one person) \$ 10,000
				/ /	/ /	PERSONAL & ADV INJURY \$ 2,000,000
				/ /	/ /	GENERAL AGGREGATE \$ 4,000,000
				/ /	/ /	PRODUCTS - COM/PROP AGG \$ 4,000,000
				/ /	/ /	PD \$
	GEN'L AGGREGATE LIMIT APPLIES PER:					COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					BODILY INJURY (Per person) \$
						BODILY INJURY (Per accident) \$
	AUTOMOBILE LIABILITY			/ /	/ /	PROPERTY DAMAGE (Per accident) \$
	ANY AUTO			/ /	/ /	\$
	ALL OWNED AUTOS			/ /	/ /	
	HIRED AUTOS			/ /	/ /	
	SCHEDULED AUTOS NON-OWNED AUTOS			/ /	/ /	
	UMBRELLA LIAB			/ /	/ /	EACH OCCURRENCE \$
	EXCESS LIAB			/ /	/ /	AGGREGATE \$
	DED RETENTION \$			/ /	/ /	\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			/ /	/ /	WC STATUTORY LIMITS OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A	/ /	/ /	E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below			/ /	/ /	E.L. DISEASE - EA EMPLOYEE \$
				/ /	/ /	E.L. DISEASE - POLICY LIMIT \$
A	BOPFR		BOP0105058-01	09/03/2014	09/03/2015	BPP 200,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, 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**

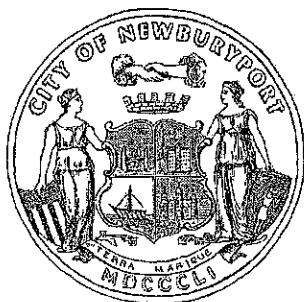
() - () - CITY OF NEWBURYPORT 60 PLEASANT ST NEWBURYPORT MA 01950-	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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ACORD 25 (2010/05)

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INS025 (201005).01

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NEW FILING
RENEW ☒

City of Newburyport
CITY CLERK'S OFFICE
NEWBURYPORT, MA

Application

2015 MAR 31 P 1:58

Food Establishment Outdoor Seating on Public Property

Date: 3/30/15

Name of Business Owner: Purple Onion Newburyport LLC

Name of Property Owner: Newburyport Development

Business Name: The Purple Onion

Business Address: 42-44 Inn St Business Telephone: 978-465-9000

Number of Tables Requested: 7 Dimensions: 27x28 Material: metal

Number of Chairs Requested: 23 Dimensions: 22x24 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.

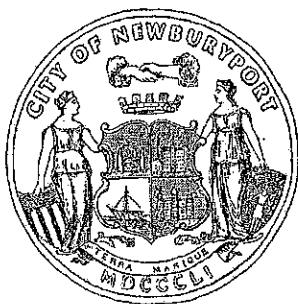
☒ ADA COORDINATOR Application Requirements

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.

2) 8 1/2 x 11 sketch of outdoor seating detailing: a) measurements of tables and chairs
b) total width of sidewalk and c) distance between proposed seating and sidewalk



Application

Food Establishment Outdoor Seating on Public Property (continued)

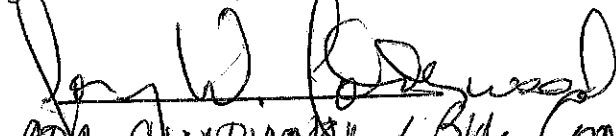
- 3) obstacles such as streetlights, signs, trees, benches, and garbage barrels.
- 4) Applicants seeking approval of outdoor seating for food and alcohol consumption must also submit:
 - a) Written and dated approval of the Newburyport License Commission for the outdoor service of alcohol, including the information and sketch used for the basis of the License Commission approval.
 - b) 8 1/2 x 11 sketch of outdoor seating cited above must also include a depiction and information on the placement, dimensions, and materials used to create a demarcated area for the service of alcohol.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way as described herein.



Signature of Business Owner



SDA COORDINATOR / Bldg Commissioner



CERTIFICATE OF LIABILITY INSURANCE

PURPL-4

OP ID: CA

DATE (MM/DD/YYYY)

04/08/2015

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 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	
INSURED Purple Onion Newburyport, LLC Tom Andruskevich 2 Whitehall Road South Hampton, NH 03827	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A: Guard Insurance Group	
	INSURER B: Massachusetts Retail Merchants	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

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 INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Business Owners GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		PUBP611105	03/05/2015	03/05/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 250,000 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
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED \$ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
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	N/A	5033730	03/05/2015	01/01/2016	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 100,000 E.L. DISEASE - EA EMPLOYEE \$ 100,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A	Property Replacement Cost			PUBP611105 SPECIAL FORM	03/05/2015	03/05/2016	Tenant Improveme 45,000

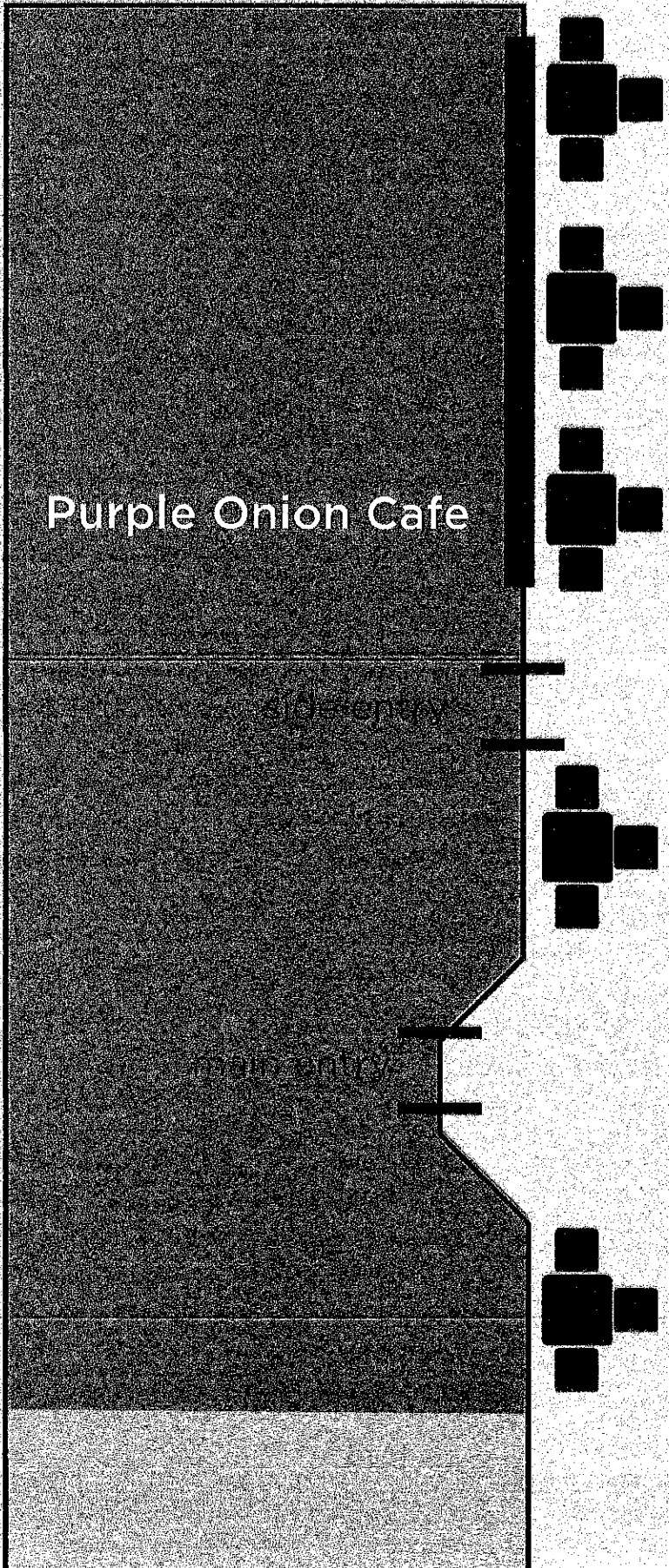
DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Certificate Holder is recognized as Additional Insured.

CERTIFICATE HOLDER**CANCELLATION**

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

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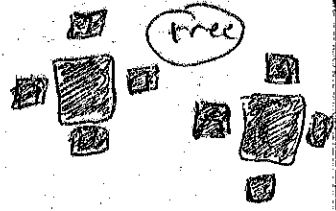


Purple Onion Cafe

side entry

main entry

Inn Street




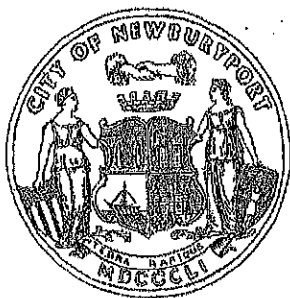
walkway to
State St
→

playground

**Purple Onion
Seating Plan - 2014**

Key

 Table and chairs



City of Newburyport

Application

Food Establishment Outdoor Seating on Public Property

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
NEW FILING
RENEW ☒

2015 APR -1 P 3:35

Date: ~~March 11, 2015~~ April 7, 2015

Name of Business Owner: Dawn McConless

Name of Property Owner: Dawn McConless

Business Name: Agave Mexican Bistro

Business Address: 50 State Street Business Telephone: 978-499-0428

Number of Tables Requested: 6 Dimensions: 4 Feet Round Material: IRON

Number of Chairs Requested: 18 Dimensions: 33 height Material: IRON

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

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

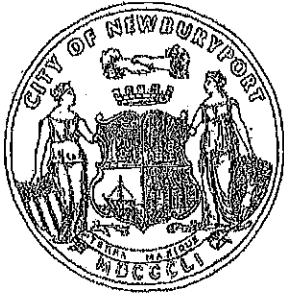
☒ ADA COORDINATOR Application Requirements

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.

2) 8 1/2 x 11 sketch of outdoor seating detailing: a) measurements of tables and chairs
b) total width of sidewalk and c) distance between proposed seating and sidewalk



Application

Food Establishment Outdoor Seating on Public Property (continued)

- 3) obstacles such as streetlights, signs, trees, benches, and garbage barrels.
- 4) Applicants seeking approval of outdoor seating for food and alcohol consumption must also submit:
 - a) Written and dated approval of the Newburyport License Commission for the outdoor service of alcohol, including the information and sketch used for the basis of the License Commission approval.
 - b) 8 1/2 x 11 sketch of outdoor seating cited above must also include a depiction and information on the placement, dimensions, and materials used to create a demarcated area for the service of alcohol.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way as described herein.

Lawrence McEndless

Signature of Business Owner

James W. [Signature]

APR 10 2014 / Bldg Commissioner

7.5A
10-7-1'

22'-0" ±

17'-1"

50 STAIR ST

46 STAIR ST

Entrance

42" REOD

42" REOD

Window

CHAIRS 17"

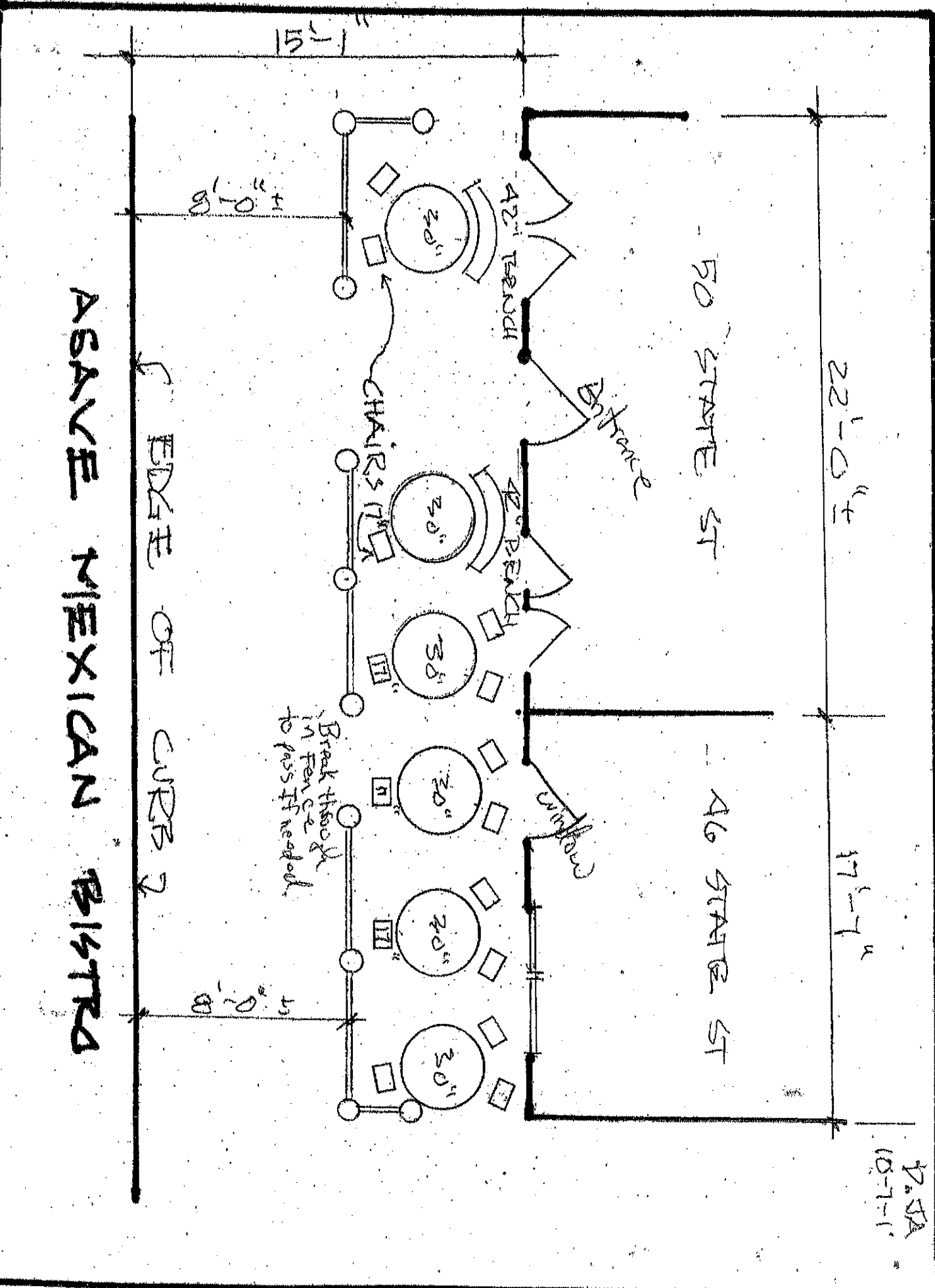
Break through
in fence
to pass if needed.

9'-0" ±

9'-0" ±

EDGE OF CURB 2

ASAVE MEXICAN BISTRO





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

04/08/2015

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 Chase & Lunt LLC 65 Parker Street Newburyport, MA 01950 Mark D. Bailey	CONTACT NAME: Mark D. Bailey	
	PHONE (A/C, No, Ext): 978-462-4434	FAX (A/C, No): 978-465-6204
INSURED Agave Mexican Bistro 50 State Street Newburyport, MA 01950	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE	
	INSURER A: Harleysville Insurance	
	INSURER B:	
	INSURER C:	
	INSURER D:	
INSURER E:		
INSURER F:		
NAIC # 23787H		

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 INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Liq \$1 Mill/ \$2 M GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		SPP49559N	06/05/2014	06/05/2015	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 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
	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)

Certificate Holders is recognized as additional insured for general liability at 50 State Street, Newburyport, MA 01950

CERTIFICATE HOLDER

CANCELLATION

NEWB004

City of Newburyport
City Hall
Pleasant Street
Newburyport, MA 01950

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

AUTHORIZED REPRESENTATIVE

James J. Howlett III

1/5/15

Dear City Clerk,

Please be advised that it is my intention to bring the matter of Real Estate Taxes owed at 77 Parker Street and 1 Kent Street, Newburyport by People's Comprehensive Mortgage, LLC (Currently over \$50,000⁺ is owed) before the City Council as a whole, at the next City Council meeting on Monday, April 13, 2015, and then to have it come before a sub-committee of either Budget and Finance and/or Licenses and Permits. The current owner of Record (PCM) needs to be notified 14 days in advance by Certified Mail of a hearing on April 27, 2015 of the proposed "Suspension" of the

Flammables Permits for BOTH (2)
77 Parker Street and 1 Kent Street,
Newburyport. Those permits will currently
expire on April 30, 2015 and therefore
NO Flammables should be allowed on
either property until ALL Real Estate
Taxes are brought current and the
"Suspension" lifted. This entire matter
falls under Section 9-4 thru 9-7
of the City of Newburyport Ordinances.

I look forward to your antic-
ipated cooperation putting this matter
on the agenda of the City Council
meeting of Monday, April 13, 2015.

CC: 11 City Council Members. Sincerely yours,
Newburyport Fire Dept. Robert A. Luminara
Treasurer
Auditor 978-804-7290

Sec. 9-4. - Notice of delinquencies—Furnished by treasurer/collector.

The treasurer/collector shall annually furnish to each department, board, commission, or division that issues licenses or permits, including renewals or transfers, a list of any person or business enterprise that has neglected or refused to pay any local taxes, fees, assessments, betterments, or other municipal charges for not less than a twelve-month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

(Ord. of 7-11-88, § 15-26)

Sec. 9-5. - Same—Denial, revocation, etc., of license.

- (a) The department, board, commission or division which issues the license may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on the list of the treasurer/collector; provided, however, that written notice is given to the party and the treasurer/collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen (14) days after such notice. Such list shall be prima facie evidence for denial, revocation or suspension of a license or permit to any party. The treasurer/collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension.
- (b) Any findings made by the department board, commission or division issuing such license with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until a certificate is issued by the treasurer/collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other charges payable to the city as the date of issuance of such certificate.

(Ord. of 7-11-88, § 15-27)

Sec. 9-6. - Same—Payment agreement.

The party shall be given an opportunity to enter into a payment agreement, thereby allowing the license to be issued and a certificate shall be issued indicating the limitations on the license or permit and the validity of such license shall be conditioned upon the satisfactory compliance with such agreement. Failure to comply with such agreement shall be grounds for the suspension or revocation of the license or permit; provided, however, that the party shall be given notice and a hearing as required by applicable provisions of law.

(Ord. of 7-11-88, § 15-28)

Sec. 9-7. - Same—Waiver by council.

The city council, in its discretion, may waive such denial, suspension, or revocation, if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in M.G.L.A. c. 268, § 1 in the business or activity conducted in or on the property.



**Newburyport
Parks**

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2015 APR -7 P 2:52

**Communication #6
April 13, 2015**

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

April 7, 2015

Thomas O'Brien, President
Newburyport City Council
60 Pleasant Street
Newburyport, Massachusetts 01950

Dear President and Members of the City Council,

Included herewith is a Support a Spot Program Policy as approved by the Parks Commission. If you deem it appropriate, would you please review and approve the same?

Yours Truly,

Lisé Reid, Director
Parks Department



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

Newburyport Parks Commission Support-A-Spot Program Overview

With more than 20 City parks and other City public open spaces in Newburyport, the Newburyport Parks Commission has a continuing need for volunteers interested in keeping our city beautiful. The Support-A-Spot program aims to maintain and enhance Newburyport's parks and select open spaces by ongoing volunteer support and special events, and to educate Newburyport residents about the importance of parks and open spaces.

Our Volunteers

Support-A-Spot provides an opportunity for a range of volunteers to play an active and on-going role in cleaning, greening and maintaining our city through supporting a site. Support-A-Spot unites and supports a range of volunteers including:

- Individuals
- Families
- Senior citizens
- Neighborhood associations
- Youth groups
- Scouts
- Schools
- Businesses
- Civic groups
- Churches

Areas to Support

Available sites include portions of parks, flowerbeds, planters, historical markers and other public spaces throughout the city. Please see the Site Availability Guide to choose a site.

Commitments include a range of volunteer activities:

- periodically picking-up litter
- pulling weeds
- pruning and basic maintenance of your site
- landscape design
- planting

Volunteer benefits

- Recognition including a sign bearing your name at your location
- A cleaner community & pride in knowing that you are making a difference in your community

What you have to do

- Select an approved location or submit a location of your choice for approval
- Commit to maintaining the spot for a two-year, renewable period. A lapse in maintenance will result in removal of signage. In such a case the Parks Commission, in its discretion, may give the sponsor a chance to correct the maintenance issue, before revoking the agreement. The commission may require sponsor to return site to original or otherwise acceptable condition.
- Submit a landscape plan for approval, if applicable
- Keep track of volunteer hours spent on a Newburyport Parks Volunteer Log Sheet



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

- Sign the agreement form
- Get started!

What the city does

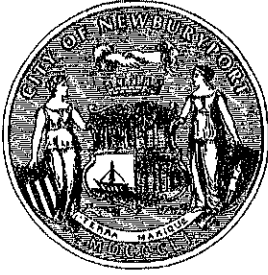
- Approve plans for site improvement and maintenance including advising about plant material, etc.
- Provides training when appropriate
- Order and install your sign*
- Help with cleanup supplies and tools upon request
- Arrange for pickup of trash bags and brush after a site cleanups

* Civic and nonprofit organizations, commercial and private enterprises and individuals are eligible to participate in the Sponsor-a-Spot Program. A proposed sign will be determined ineligible for the Sponsor-a-Spot Program if the Board of the Parks Commission determines that any of the following apply:

1. **Demeaning or Disparaging:** Contains material that demeans or disparages an individual or group of individuals. For purposes of determining whether an advertisement contains such material, the City will determine whether a reasonably prudent person using prevailing community standards would believe that the advertisement contains material that ridicules or mocks, is abusive or hostile to, or debases the dignity or stature of an individual or group of individuals.
2. **Unlawful Goods or Services:** Promotes or encourages, or appears to promote or encourage, the use or possession of unlawful or illegal goods or services.
3. **Unlawful Conduct:** Promotes or encourages, or appears to promote or encourage, unlawful or illegal behavior or activities.

For more information about becoming a Support-A-Spot volunteer please call 978-465-4462 or email parks@cityofnewburyport.com. Or you may fill out the accompanying form and return it to Newburyport Parks, City of Newburyport, 60 Pleasant Street, P.O. Box 550, Newburyport, MA 01950.

**APPOINTMENTS
FIRST READING**



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

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

Appointment #1
April 13, 2015

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

MAR 30 A 9:36

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: March 30, 2015
Subject: Appointment

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

Dr. Daryl Colden
50 Tyng Street
Newburyport, MA 01950

Newburyport Medical Center
1 Wallace Bashaw Jr. Way, Suite 3002
Newburyport, MA 01950
P: 978.997.1550
F: 978.688.8292

200 Sutton Street, Suite 100
North Andover, MA 01845
P: 978.685.2900

Merrimack Medical Center
62 Brown Street, Suite 301
Haverhill, MA 01830
P: 978.521.0300

Daryl Colden, MD, FACS

Board Certified

Otolaryngology - Head & Neck Surgery
Facial Plastic & Reconstructive Surgery

Fellowship Trained

Advanced Nasal & Facial Plastic Surgery

Fellow

American Academy of Otolaryngic Allergy

Clinical Instructor in Otolaryngology & Laryngology

Harvard Medical School

Assistant Surgeon in Otolaryngology

Massachusetts Eye & Ear Infirmary

Assistant Clinical Professor

Otolaryngology Head & Neck Surgery

Tufts Medical School

Peter Seymour, MD

Board Certified

Otolaryngology - Head & Neck Surgery

Fellowship Trained

Otologic Medicine & Surgery

(Ear & Balance Disorders)

Associate

American Academy of Otolaryngic Allergy

Assistant Surgeon in Otolaryngology

Massachusetts Eye & Ear Infirmary

Assistant Clinical Professor

Otolaryngology - Head & Neck Surgery

Tufts Medical School

Elizabeth Mahoney Davis, MD, FACS

Board Certified

Otolaryngology - Head & Neck Surgery

Fellow

American Academy of Otolaryngic Allergy

Assistant Professor

Otolaryngology - Head & Neck Surgery

Boston University School of Medicine

Renee Llorente, MA CCC-A

Sarah Wellwood, AuD CCC-A

Pediatric & Adult Audiology

Hearing Aid Evaluation

Aural Rehabilitation

Donna Cardarelli

Office Manager

Hospital Affiliations

Anna Jaques Hospital

Merrimack Valley Hospital

Holy Family Hospital

Surgical Center Affiliations

Andover Surgical Center

Stratham Surgical Center

Academic Affiliations

Massachusetts Eye & Ear Infirmary

Tufts Medical Center

Boston University School of Medicine

COLDEN SEYMOUR

EAR NOSE THROAT & ALLERGY

Adult & Pediatric Care / Hearing & Balance Center
Sinus & Sleep Specialists / Facial Plastic Surgery

March 23, 2015

Mr. Bob Bracey
Health Director
60 Pleasant St.
Newburyport, MA 01950

Dear Mr. Bracey

Please accept this letter of intent to serve on the Newburyport Board of Health.

I am excited about this opportunity to further help the community I have lived and worked in for the past decade. I have a history of strong commitment to the Newburyport community, having served on various hospital, commercial and philanthropic boards and committees over the past 10 years. I am passionate about this wonderful city, and look forward to being an active member of the board of health so that I can further contribute to the health and well-being of this community.

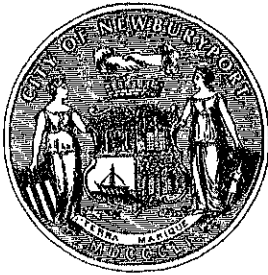
My medical background, local involvement in civic and hospital activities, and my skill set will enable me to be an effective member of the board of health. I have known and worked with the current and prior board of health members over many years, and feel that I can be a productive and complementary asset to the current team.

I appreciate being considered for this position, and I enthusiastically look forward to helping Newburyport as a member of the Board of Health.

Sincerely,

Daryl Colden, MD, FACS
President, Colden and Seymour Ear Nose Throat and Allergy
Chief, Department of Surgery, Anna Jaques Hospital
Associate Clinical Professor, Harvard Medical School
Treasurer, Whittier Independent Physician Association

1 Wallace Bashaw Jr Way, Suite 3002
Newburyport Medical Center
Newburyport MA 01950
(978) 997-1550 (w)



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

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

Appointment #2
April 13, 2015

RECEIVED
MAYOR'S OFFICE
NEWBURYPORT, MA

2015 MAR 30 P 2:32

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: March 30, 2015
Re: Appointment

Donna D. Holaday

~~~~~  
I hereby appoint, subject to your approval, the following named individual as a member of the Commission for Diversity and Tolerance. This term shall expire on May 1, 2018.

John A. Green  
12 Finnegan Way  
Newburyport, MA 01950

John A. Green  
12 Finnegan Way  
Newburyport, MA 01950  
978 462-1917  
[john.green12@comcast.net](mailto:john.green12@comcast.net)

March 29, 2015

Mayor Donna Holaday,

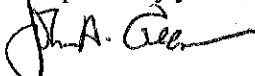
I would be honored if you would consider nominating me for the open position on the Commission for Tolerance and Diversity. I believe there is much I can contribute to the mission of this commission.

I am a 25 year resident of Newburyport. Below is a brief summary of my background as it may benefit the city and its efforts to promote tolerance and diversity.

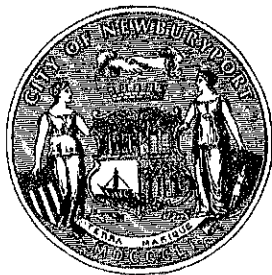
- B.A. History Education/Political Science - Siena College
- Certified Massachusetts Educator – Middle and High School
- Middle School Alternative Education Teacher – Children with Special Needs/Behavioral Challenges
- 10 years High School History teacher – specializing in all levels of students. This also included 9<sup>th</sup> and 10<sup>th</sup> grade students with learning and behavioral needs.
- Director of Student Activities and Student Council – In this capacity I scheduled community service trips to food banks in Boston, homeless shelters, temporary living centers for families in crisis, senior centers, etc.
- Varsity Boys Soccer Coach
- Inner City High School Youth Basketball Coach
- CCD instructor 1976-2003
- Newburyport Youth Soccer Coach 1994-2007
- Nominated by my students to the Wall of Tolerance in Washington, D.C.
- Summer School Instructor – Lawrence High School
- Prior to my career in education I retired from a corporate career where I spent 30 years in the supermarket industry. Prior to retiring I was a corporate executive in Sales, Marketing and Purchasing. A large part of my responsibility was to serve the diverse customers of a multi-billion dollar regional supermarket chain. In this capacity I served diverse customers and associates from Bronx, New York to Barre, Vermont.
- Volunteer on the Newburyport Senior Community Center Fundraising and Planning Committee
- Volunteer at the Nock Middle School- assisting with Holocaust education

It is my hope that my life experiences can serve you and the needs of the commission in a positive way.

Respectfully yours,



John A. Green



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

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

978-465-4413 PHONE

978-465-4402 FAX

RECEIVED  
CLERK'S OFFICE  
NEWBURYPORT, MA

MAR 26 A 11:52

To: President and Members of the  
City Counsel

From: Donna D. Holaday, Mayor

Date: March 26, 2015

Subject: Re-Appointment

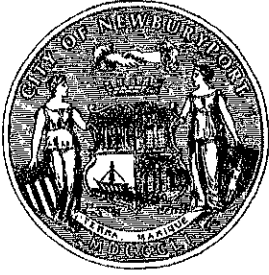
*Donna D. Holaday*

---

I hereby re-appoint, subject to your approval the following named individual  
as a member of the Council on Aging. This term will expire on May 31, 2020.

Cynthia Muir  
10 Hancock Street  
Newburyport, MA 01950

Re-Appointment #4  
April 13, 2015

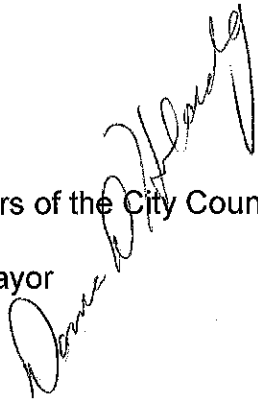


CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY, MAYOR

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

2015 MAR 30 P 6:55

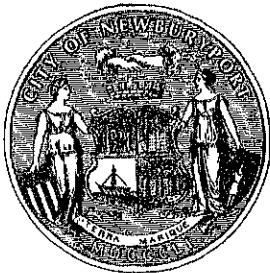
To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: March 30, 2015  
Re: Re-Appointment



---

I hereby re-appoint, subject to your approval, the following  
named individual as an alternate member of the Tree  
Commission. This term shall expire on May 1, 2018.

Ed Taylor  
25 Bromfield Street Side B  
Newburyport, MA 01950



# CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

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

978-465-4413 PHONE

978-465-4402 FAX

RECEIVED  
CLERK'S OFFICE  
NEWBURYPORT, MA  
2015 APR -7 P 3:13

To: President and Members of the  
City Council

From: Donna D. Holaday, Mayor

Date: April 7, 2015

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following  
named individual as a member of the Board of Registrars. This  
term will expire on March 31, 2018.

Mary Zinck  
6 Laurel Road  
Newburyport, MA 01950

**END OF CONSENT AGENDA**

**BEGINNING OF REGULAR AGENDA**

# TRANSFERS



**City of Newburyport**  
**FY 2015**  
**BUDGET TRANSFER REQUEST**

Transfer #5  
April 13, 2015

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2015 APR -1 P 3:55

**Department:** Mayor's Office

**Submitted by:** Mayor Donna D. Holaday

**Date Submitted:** 4/7/2015

**Transfer From:**

|                          |                                                                                                                                                                                                                           |            |                 |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------------|
| Account Name             | General Fund - Free Cash                                                                                                                                                                                                  | YTD Bal:   | \$ 1,769,443.57 |
| Account Number:          | 01-35910                                                                                                                                                                                                                  | Trans In:  | \$ -            |
| Amount:                  | \$275,000.00                                                                                                                                                                                                              | Trans Out: | \$ 603,602.43   |
| Why are Funds Available: | <i>The Massachusetts Department of Revenue certified Free Cash for FY2015 at \$2,373,046. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.</i> |            |                 |

**Transfer To:**

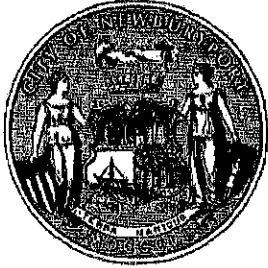
|                         |                                                                           |            |      |
|-------------------------|---------------------------------------------------------------------------|------------|------|
| Account Name            | Colby Farm Land Acquisition                                               | YTD Bal:   | \$ - |
| Account Number:         | 3016-49700                                                                | Trans In:  | \$ - |
| Amount:                 | \$275,000.00                                                              | Trans Out: | \$ - |
| Why are Funds Required: | <i>See attached memo from the Director of Planning &amp; Development.</i> |            |      |

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

*Donna D. Holaday*  
*Ethan R. Manning*

Date: 4/7/15  
Date: 4/7/15





CITY OF NEWBURYPORT  
OFFICE OF PLANNING AND DEVELOPMENT

60 PLEASANT STREET • P.O. Box 550

NEWBURYPORT, MA 01950  
(978) 465-4400 • (978) 465-4452 (FAX)

RECEIVED  
CLERK'S OFFICE  
NEWBURYPORT, MA

2015 APR -7 P 3:55

**MEMORANDUM**

**TO: Honorable members of the City Council**

**FROM: Andrew Port, Director of Planning & Development**

**CC: Donna D. Holaday, Mayor**

**RE: Colby Farm Open Space Acquisition - Free Cash Transfer Request & Update**

**DATE: April 7<sup>th</sup>, 2015**

---

The attached Transfer Request of \$275K represents the funding necessary to acquire and preserve Lot 8 at Colby Farm located at the intersection of Low Street and Crow Lane. (See attached map.)

During the past several weeks there has been considerable interest in the acquisition and preservation of Colby Farm land for both athletic field space potential and protection of the pastoral view to this former agricultural land from Low Street. Although the City Council received notice of a "right of first refusal" on January 12, 2015 to buy Lot 8 at Colby Farm, there has only recently been a general consensus regarding what specific action to take regarding this lot, and the other lots shown on this plan.

The attached plan indicates the newly configured lot lines for the Colby Farm parcels (lots 1-8) as well as the approved wetlands delineation (green shading) for this property. As you can see, the owner, Mallow Realty Trust, has subdivided the land into new buildable lots configured to allow up to eight single-family residential homes, one on each of the new lots ("as-of-right"). The City's deadline for a "right of first refusal" option to purchase Lot 8 expires on April 23, 2015 (120 days from the original notice given to the City on December 24, 2014).

On March 19, 2015 a meeting was held by the City Council Planning & Development Committee (P&D) with assistance from the Office of Planning & Development. The following representatives were present at the meeting to address various constituent interests:

1. Mayor Donna D. Holaday
2. Ed Cameron, Chair, Planning & Development Committee / City Council
3. Barry Connell, Planning & Development Committee / City Council
4. Larry Giunta, City Council / Ward 5
5. Andrew Port, Director of Planning & Development
6. Lise Reid, Parks Director
7. Joe Teixeira, Chair, Conservation Commission
8. Michael Dissette, Chair, Community Preservation Committee & Open Space Committee

Various options were evaluated at this time for the acquisition and preservation of land at Colby Farm, considering among other things the following factors:

- A. April 23, 2015 deadline for “right of first refusal” option on Lot 8;
- B. Feasibility of configuring future athletic field space on any of these lots;
- C. Low Street viewshed protection;
- D. Owner’s “asking” price for sale of the subject lots;
- E. Possible funding sources including CPA appropriations or bonding, Free Cash Transfers or other.

At the conclusion of this meeting it was decided to pursue discussions with the property owner (Mallow Realty Trust) regarding potential acquisition of Lots 8, 1, 2 and/or 7. There was general consensus that Lots 3, 4, 5 and 6 offer little opportunity for either athletic field construction or meaningful open space. There was also general consensus that Lot 1 provides the only area large enough to site a new athletic field (presumably after the current field space construction projects are completed). Finally, it was determined that while Lots 7 and 8 would protect a portion of the pastoral view from Low Street, Lots 2 and 8 could also provide space for parking required by a potential athletic field on the adjacent Lot 1.

On March 31, 2015 Parks Director Lise Reid presented an application to the Community Preservation Committee (CPC) for the use of Community Preservation Act (CPA) funds to acquire Colby Farm land for athletic field space purposes. Although the Colby Farm option had been considered by the Open Space Committee, larger pending options for open space acquisition took precedent and the Committee declined to cosign the CPA application, concerned that Open Space Reserve funds and CPA bonding capacity be available for those separate near-term options. On April 2, 2015 the Open Space Committee met and reconsidered the Colby Farm matter. Out of that discussion a recommendation was made regarding the City’s use of CPA Open Space Reserve funds. A more detailed memorandum from the Open Space Committee Chairman is attached hereto.

After first consulting with local realtors experienced with the Newburyport market and typical valuation of such vacant buildable lots, an initial offer was made to Mallow Realty Trust. We are currently awaiting a response from Mallow Realty Trust regarding the proposed purchase prices for Lots 1, 2, and 7, which are lower than the initial \$300K asking price. (Please note that the purchase price for Lot 8 is already set at \$275K by virtue of an executed Purchase and Sale Agreement for this lot, which is the basis for the City’s option (right of first refusal) to buy the property first (at that same amount).

Due to the relatively short timeline for action on this matter by the City (at least with respect to Lot 8), and the absence of a definitive response from Mallow Realty Trust relative to the other lots, we recommend that the Council prepare for the following actions and sequence of events during the coming days and weeks:

- April 9 (7:00pm): Community Preservation Committee (CPC) meeting and recommendation regarding Colby Farm and the current Lot 8 option.
- April 13 (6:30pm): City Council Planning & Development Committee (P&D) meeting and recommendation regarding Colby Farm and the current Lot 8 option.

- April 13 (7:30pm): City Council meeting, discussion and vote regarding Colby Farm and the current Lot 8 option:
  - Approve the attached Transfer Request of \$275K to provide funding necessary to acquire and preserve Lot 8 at Colby Farm pursuant to the City's "right of first refusal," which expires on April 23, and/or any other Colby Farm lots.
  - Approve a possible CPA Appropriation Recommendation (from the CPC) of \$150K (or some other amount, to be determined at the April 9 meeting) to provide a portion of the funding necessary to acquire and preserve Lot 8 at Colby Farm pursuant to the City's "right of first refusal," which expires on April 23 and/or any other Colby Farm lots.
  - Approve the attached (possibly late-file) Order Authorizing the Mayor to take any and all actions necessary for the purchase of Lot 8 at Colby Farm (at the fixed \$275K purchase price) and any other action(s) deemed appropriate for the acquisition and preservation of additional Lots at Colby Farm (pending a formal recommendation from the CPC).

*Note: Regardless of any action taken by the City Council with respect to Lot 8, we anticipate receiving a similar right of first refusal notice (option) for the purchase of Lots 1, 2 and 7, pending a Purchase and Sale Agreement between Mallow Realty Trust and as yet undetermined buyer(s). If and when these notices are received by the City, we will have 120 days to respond to the right of first refusal notice. We will keep the Council informed as these opportunities may arise.*

I trust that the above information will allow the Council to prepare for appropriate action regarding Colby Farm land acquisition in the coming days and weeks. If you have any further questions, please contact me at your convenience.

**City of Newburyport**  
**OPEN SPACE COMMITTEE**

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2015 APR -1 P 3:55

**Memorandum**

**TO:** Andy Port, Director of Planning and Development  
Mayor Donna Holaday  
**XC:** Kate Newhall-Smith, Planner  
**FROM:** Michael Dissette, Chair, Open Space Committee  
**DATE:** April 3, 2015  
**RE:** City's Colby Farm Acquisition Proposal to CPC

On behalf of the Open Space Committee, I will report the following to the CPC at its meeting of April 9, 2015:

The OSC, with five members present, met on April 2, 2015. It reconsidered its earlier review of the proposed acquisition of Colby Farm subdivision Lot 8 by the City, this time in the context of the Parks and Recreation Commission's application to the CPC, the larger plan of acquisition described therein, the discussion among City stakeholder's on March 19 and the presentation of the application to the CPC at its meeting of March 31.

Upon reconsideration by the OSC, it was determined:

- Consistent with the committee's original review, the Committee would not support the use of Community Preservation funds for the acquisition of Lot 8 standing alone, as that lot by itself would not warrant preservation priority.
- However, in the context of the proposed larger plan, where Lot 8 is a component of ultimate preservation and eventual recreational use of Lot 1, the Committee now supports the use of up to \$150,000 of Community Preservation Open Space Reserve or newly appropriated funds to be applied to this project.
- The Committee continues to advocate for the annual growth of the CPA Open Space Reserve to address new preservation opportunities as they arise, as reflected in its current application to the CPC. The Committee requests that every effort be made by the CPC to recommend replacement of OS Reserve funds that may be expended.

Please let me know if you have any questions.

Mallow Realty Lot 8 - 183 Low St. (approx.) - First Right of Refusa



First Refusal Option - Lot 8

Remaining Mallow Realty Lots

Mallow Realty Wetlands per 2013 ORAD

Little River

0 125 250 500 Feet

## COMMUNICATIONS

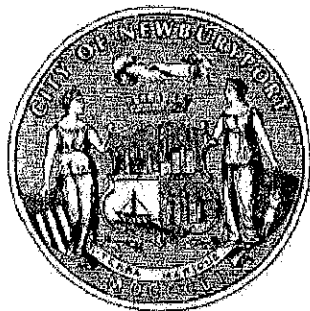
**CITY OF NEWBURYPORT  
APPROVED  
ELECTION CALENDAR**

April 13, 2015

1. Friday, August 7, 2015 at 5:00 p.m.– Last day and hour to obtain nomination papers  
(MGL Ch53, Section 9A).
2. \*Tuesday, August 10, 2015 at 5:00 p.m. – Last day and hour to submit nomination papers to the Board of Registrars of Voters for certification of signatures (M.G.L. Ch.53 Section 7A).
3. Friday August 21, 2015 at 10:00 a.m. – Drawing by lot, of positions on ballot for **Preliminary Election of September 29, 2015** in Council Chamber
4. Tuesday, August 25, 2015 at 5:00 p.m. – Last day and hour to submit nomination papers certified by Board of Registrars to City Clerk (M.G.L. Ch. 53, Section 10).
5. Thursday, August 27, 2015 at 5:00 p.m. – Last day and hour to file withdrawals of/ or objections to nomination papers with the City Clerk. (M.G.L. Ch. 55B, Section 7).
6. Wednesday, September 9, 2015 at 8:00 p.m. – Last day and hour to register voters for **Preliminary Election** (M.G.L. Ch. 51, Sections 26, 28).
7. **Tuesday, September 29, 2015** – **Preliminary Election** (if necessary) – M.G.L. Ch. 54, Section 103P)
8. Friday, Sept. 25 at 10:00 a.m. – Drawing by lot, of positions on ballot for **Municipal Election of November 3, 2015** in Council Chamber
9. Monday, October 5, 2015 at 5:00 p.m. – Last day and hour to file recount petition with City Clerk for **Preliminary Election** (M.G.L. Ch. 54, Section 135).
10. Wednesday, October 14, 2015 at 8:00 p.m. – Last day and hour to register voters for **Biennial Municipal Election** (M.G.L. Ch. 51, Sections 26, 28).
11. Tuesday, October 27, 2015 – Last day to post warrant (MGL Ch.54 Sec. 65)
12. **Tuesday, November 3, 2015** – **Biennial Municipal Election**
13. Monday, November 16, 2015 at 5:00 p.m. – Last day and hour to file recount petition with City Clerk (M.G.L. Ch. 54, Section 135).

\*Board of Registrars need not certify more names than required plus 20%.

**Certified signatures of at least fifty (50) voters are the minimum necessary for placement on the preliminary ballot (M.G.L. Ch. 43, Section 44C).**



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

2015 APR -1 P 3:47

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: April 1, 2015

Subject: FY2015-FY2019 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 2015 through 2019.

The enclosed Capital Improvement Program continues the process initiated four 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 were 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 FY15 or that we expect will require funding before the end of the fiscal year. It is important to note that the significant Snow and Ice deficit from this winter has limited our ability to fund all of the capital needs that we had planned for this fiscal year, delaying some of our investment in infrastructure and equipment into future years.

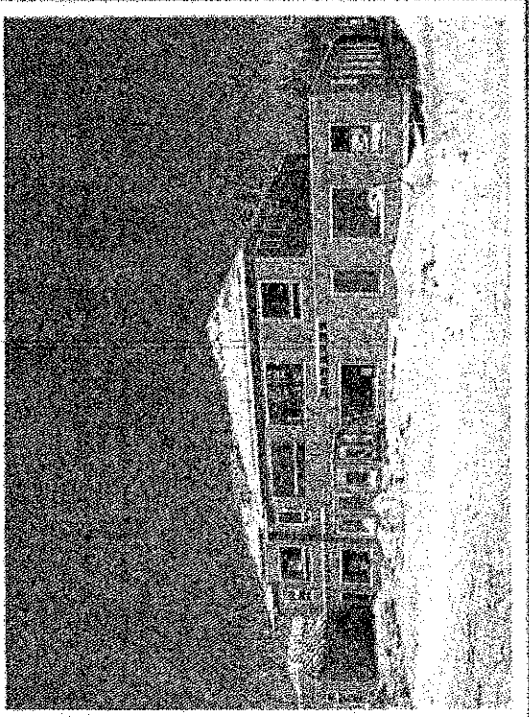
This document should be viewed as a tool to illustrate how effective a coordinated approach to capital planning can be in the acquisition of equipment or completion of significant infrastructure improvement projects. Additionally, the fact that the revised Charter requires



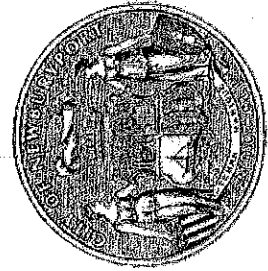
that this document be updated annually demonstrates the importance of this information being communicated to the City Council and the community as a whole.

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 FY16 and beyond.

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 laid out in the Charter.



# **Capital Improvement Program Fiscal Years 2015-2019**



*Donna D. Holaday, Mayor*

## **Contents**

### **Section I - Executive Summary**

Introduction of Capital Planning Process  
    Proposed Free Cash Policy  
    Financing Methods  
Five-Year Capital Improvement Program (CIP)

### **Section II - Fiscal Years 2015-2019 CIP Summary**

### **Section III - Project Detail Sheets by Department**

Fire Department  
Police Department  
Parks Department  
Office of Planning and Development  
    Newburyport Public Library  
    Newburyport Public Schools  
    Information Technology  
Department of Public Services: Highway Division  
Department of Public Services: Water Enterprise Fund  
Department of Public Services: Sewer Enterprise Fund  
Department of Public Services: Harbormaster Enterprise Fund

## I. Executive Summary

Dear President & Members of the City Council:

I am pleased to submit herewith the proposed Fiscal Years 2015-2019 Capital Improvement Program (CIP). All projects listed under FY 2015 have been, or are expected to be, funded through various means during this current fiscal year. All projects listed under FY 2016 through FY 2019 will require funding through a combination of sources. As you are aware, I have placed significant emphasis on the importance of developing an organized and coordinated CIP for the City. The planned acquisition of capital associated with an annual appropriation to fund capital improvements needs to become an integral component of the annual operating budget moving forward. While we have incrementally begun to incorporate this approach into some departmental budgets, there is still progress to be made in accounting for ongoing capital needs in the operating budget.

The format and organization of the CIP is designed to include: 1) a description and justification of each project, 2) the year in which the project or acquisition is planned, and 3) the recommended financing mechanism. As you will see, the City seeks to fund more projects using available funds, such as Free Cash and Retained Earnings, rather than issuing debt.

### Development of the CIP

Prior to the implementation of the CIP, individual departments maintained their own capital budgets. This practice provided an inventory of capital needs for each department but did not engender a comprehensive and holistic approach to capital planning. Prior to FY2013, the City was not able to offer an adequate long-term funding program to address important City-wide infrastructure improvements, replace deteriorating equipment, and repair and renovate facilities.

Since FY2013, I have prioritized the continued development and refinement of a comprehensive capital improvement plan that incorporates the capital needs of all City Departments with a practical funding plan for each year of the program. Department Heads have worked with the Mayor's Office to identify and/or update their most important capital needs for FY2015 through FY2019. Significant time has been spent on developing a realistic funding schedule within the confines of the City's financial resources.

I have deliberately included fully funded projects and acquisitions from FY2015 in this CIP to reflect the progress that has been made during the current fiscal year. My hope is that the City Council will continue to recognize the value and importance of committing to funding planned projects and acquisitions on an annual basis, while also acknowledging that the City is faced with new and unexpected capital challenges every year.

### Free Cash Policy

Working with our Finance Team, I have developed a Free Cash Policy that provides direction for how the City appropriates its Free Cash. In its most basic definition, Free Cash is the fiscal year-end combination of revenues that come in higher than estimated and expenditures that come in lower than budgeted. After the June 30 close of the fiscal year, the City's Free Cash is certified by the State Department of Revenue (DOR) and available for appropriation. Free Cash must be certified by the DOR's Director of Accounts as of July 1, and cannot be appropriated until it is certified. Once certified, Free Cash can be appropriated up until the following June 30 by City Council for any legal spending purpose. Free Cash is the major source of funding for supplemental appropriations after the budget has been adopted and a tax rate has been set for the year. Maintaining a healthy Free Cash balance gives the City adequate flexibility to address the priority items in the CIP instead of continuing to defer our capital needs.

Free Cash is generated when actual operations of the fiscal year compare favorably with budgeted revenues and expenditures. It results when actual revenue collections exceed the estimates used for budgeting and actual expenditures and encumbrances (committed funds not yet expended) are less than appropriations. Free Cash is affected by uncollected property tax receivables, illegal deficits, overdrawn grant accounts and deficits in other funds (e.g., special revenue funds, agency funds).

According to the Financial Policies that were formally adopted in December 2012, Free Cash balances should generally be used for non-recurring expenses. The Free Cash Policy attempts to align one-time revenues with appropriate one-time expenditures. To that end, the following are explicitly authorized uses of Free Cash under this policy:

- Limited Subsidy of the Operating Budget
- Capitalize the Stabilization Fund
- Capital Improvement Program
- Extraordinary Deficits & Emergency Appropriations

In keeping with the intent of this policy, an appropriate use of Free Cash is to fund capital projects that would have otherwise incurred borrowing costs associated with the issuance of debt. The financing of small capital projects or equipment is not considered a best practice for a community our size. Although perfectly legal, the City will continue to move away from incurring debt for vehicles and small equipment purchases and projects.

Bond rating agencies prefer to see cities using a pay-as-you-go approach for smaller capital projects. The one-time nature of Free Cash makes it an appropriate use for one-time capital expenditures. If, for some reason, sufficient Free Cash does not materialize in a given year, the City may borrow for capital projects, or delay them without causing immediate impacts to the operating budget and related services.

### **CIP Assumptions**

The FY2015-2019 CIP is based on the following budgetary assumptions. The City will:

- Continue to build cash reserves, setting a minimum threshold Free Cash balance of \$500,000 and striving to attain a \$1.5 million Free Cash balance annually;
- Continue to conservatively estimate New Growth;
- Not use funds from General Stabilization for ordinary capital improvements;
- Continue to actively pursue State and Federal funding opportunities and leverage an annual allotment of Community Preservation Act funds to complete certain Planning & Development related capital improvements; and
- Continue to fund a grant writer to assist in securing outside funding to subsidize particular projects and infrastructure investments.

### **Overview of the CIP**

The CIP includes projects with a five year total estimated cost of \$81,212,767. The projects are divided into five main categories, as shown in the table and graph on the following page.

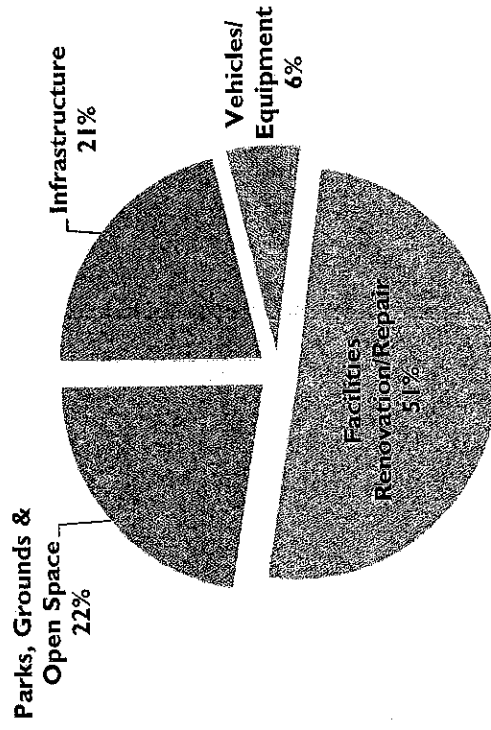
The graph illustrates that 51% of spending is for facilities renovation and repair. A significant addition to this CIP is the Parking Garage/Intermodal Facility Project, with an estimated project cost of \$12.5 million. Additional projects include the completion of the Bresnahan Elementary School and Nock/Molin Upper Elementary and Middle School projects, as well as, the construction of a new Senior/Community Center, DPS Administration Building and Transient Boaters & Harbormaster Facility. The CIP also identifies and anticipates significant investment in existing City buildings, such as updates to flooring at the Police Station and Library, efficient lighting upgrades at the Fire Station, exterior brick and woodwork restoration at the High School and Police Station, and roof replacement at the DPS Facility on Perry Way.

Investments in infrastructure represent 21% of the total spending included in the CIP. Infrastructure is the core of any CIP and Newburyport continues to budget capital investments in the City's water and sewer systems, roadways and sidewalks as part of the operating budget. In the past several years, sidewalk improvements have been a priority. The City has made historic investments in our sidewalks since we began earmarking 50% of meals tax revenue for their repair. The City will continue to invest a minimum of \$250,000 in sidewalks and \$500,000 in roadway improvements. Additionally, through existing enterprise funds, the City will continue to invest in infrastructure improvements, including \$4.0 million in water infrastructure improvements and \$7.7 million in sewer infrastructure projects over the next five years.

## CAPITAL IMPROVEMENT PROGRAM

Another important area for the City is our parks, grounds, and open space, which comprises 22% of total spending in the CIP. Partially funded by a \$1.7 million debt exclusion, a major investment has been made in athletic field improvements at the High School stadium, Fuller Track Complex, Nock diamond and multi-use playing fields, and Cherry Hill soccer fields. Additional important investments include the acquisition of land at the Colby Farm site, rehabilitation of the Central Waterfront Bulkhead, which was funded by a grant from the Seaport Advisory Council, as well as the continued restoration of Inn Street and the completion of Phase II of the Clipper City Rail Trail.

### Project Costs by Project Type



### **Funding the CIP**

The City's lack of dedicated annual funding sources for most capital improvements has made a coordinated approach to capital planning very difficult. Despite this fact, the City has been able to maintain a strong financial position by leveraging State and Federal funds, CPC funds, and strong Free Cash and Retained Earning balances to fund many capital improvements and purchases. This has limited the City's need to borrow to fund smaller capital improvements. The funding philosophy behind the CIP was to continue to fund and invest in capital without drastically increasing the debt burden. For FY2016, ordinary and excluded debt comprises approximately 6.2% of the General Fund budget.

## CAPITAL IMPROVEMENT PROGRAM

Below is a summary of anticipated project costs for fiscal years 2015 through 2019:

### Project Costs by Department

| Department                             | Estimated Project Costs by Year |                      |                      |                     |                     | Five-Year<br>Total   |
|----------------------------------------|---------------------------------|----------------------|----------------------|---------------------|---------------------|----------------------|
|                                        | FY15                            | FY16                 | FY17                 | FY18                | FY19                |                      |
| Fire                                   | 115,000                         | 279,471              | 115,000              | 115,000             | 2,915,000           | 3,539,471            |
| Police                                 | 82,726                          | 131,940              | 21,000               | -                   | -                   | 235,666              |
| Parks                                  | 1,414,518                       | 5,177,280            | 3,247,343            | 415,000             | 30,000              | 10,284,141           |
| Planning                               | 5,934,783                       | 15,815,609           | 5,362,500            | 100,000             | -                   | 27,212,892           |
| Information Technology                 | 48,500                          | 153,500              | 98,500               | 108,500             | -                   | 409,000              |
| Library                                | 12,275                          | 16,425               | -                    | -                   | -                   | 28,700               |
| Highway                                | 1,459,000                       | 1,736,000            | 1,329,000            | 1,051,000           | 880,000             | 6,455,000            |
| <b>Total General Fund</b>              | <b>\$ 9,066,802</b>             | <b>\$ 23,310,225</b> | <b>\$ 10,173,343</b> | <b>\$ 1,789,500</b> | <b>\$ 3,825,000</b> | <b>\$ 48,164,870</b> |
| Schools                                | 15,161,904                      | 240,000              | 532,500              | -                   | -                   | 15,934,404           |
| <b>Total General Fund with Schools</b> | <b>\$ 24,228,706</b>            | <b>\$ 23,550,225</b> | <b>\$ 10,705,843</b> | <b>\$ 1,789,500</b> | <b>\$ 3,825,000</b> | <b>\$ 64,099,274</b> |
| Less: Grants, State Aid & Ex. Debt     | (21,304,687)                    | (17,850,464)         | (6,537,500)          | (500,000)           | (500,000)           | (46,692,651)         |
| <b>Net Spending</b>                    | <b>\$ 2,924,019</b>             | <b>\$ 5,699,761</b>  | <b>\$ 4,168,343</b>  | <b>\$ 1,289,500</b> | <b>\$ 3,325,000</b> | <b>\$ 17,406,623</b> |
| Harbormaster Enterprise                | -                               | 1,800,000            | -                    | -                   | -                   | 1,800,000            |
| Sewer Enterprise                       | 440,000                         | 860,000              | 6,659,000            | 300,000             | 300,000             | 8,559,000            |
| Water Enterprise                       | 2,350,250                       | 2,379,243            | 675,000              | 675,000             | 675,000             | 6,754,493            |
| <b>Total Enterprise Funds</b>          | <b>\$ 2,790,250</b>             | <b>\$ 5,039,243</b>  | <b>\$ 7,334,000</b>  | <b>\$ 975,000</b>   | <b>\$ 975,000</b>   | <b>\$ 17,113,493</b> |
| <b>Total Capital Improvements</b>      | <b>\$ 27,018,956</b>            | <b>\$ 28,589,468</b> | <b>\$ 18,039,843</b> | <b>\$ 2,764,500</b> | <b>\$ 4,800,000</b> | <b>\$ 81,212,767</b> |



## CAPITAL IMPROVEMENT PROGRAM

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### Conclusion

I want to thank everyone who has helped to make this CIP not just a document, but a real plan. The City continues to make great strides towards improving its capital planning. The capital budget on the following pages highlights the City's ongoing responsibility to maintain its facilities, vehicles, equipment, and infrastructure, and to make the necessary capital investments to meet the needs of our community. Many projects continue to be deferred in order to keep the funding mechanisms realistic, but hopefully those can be included in the CIP in subsequent years. The CIP is a living document in the truest sense and will continue to be reevaluated and updated on an annual basis as part of the budget process. The CIP will also continue to be included as an appendix to the annual operating budget and it is my intention to aggressively pursue funding for each year of the program.

Respectfully submitted,

Donna D. Holaday, Mayor

# CAPITAL IMPROVEMENT PROGRAM

## II. FY 2015-2019 CIP Summary

| Page | Department          | Project Description                                                  | FY15             | FY16             | FY17             | FY18           | FY19             | Five-Year Total   |
|------|---------------------|----------------------------------------------------------------------|------------------|------------------|------------------|----------------|------------------|-------------------|
| 12   | Fire                | Fire Engine Replacement                                              | 115,000          | 115,000          | 115,000          | 115,000        | 115,000          | 575,000           |
| 13   | Fire                | Replacement of Fire Alarm System                                     | -                | 19,000           | -                | -              | -                | 19,000            |
| 14   | Fire                | One Ton Forestry Truck                                               | -                | 50,000           | -                | -              | -                | 50,000            |
| 15   | Fire                | Hose & Fitting Replacement                                           | -                | 25,000           | -                | -              | -                | 25,000            |
| 16   | Fire                | New Station 2 Facility                                               | -                | -                | -                | -              | 2,800,000        | 2,800,000         |
| 17   | Fire                | Radio System Upgrade                                                 | -                | 25,000           | -                | -              | -                | 25,000            |
| 18   | Fire                | Remote Antenna Repair                                                | -                | 25,239           | -                | -              | -                | 25,239            |
| 19   | Fire                | Lighting Improvements                                                | -                | 20,232           | -                | -              | -                | 20,232            |
|      | <b>Fire Total</b>   |                                                                      | <b>115,000</b>   | <b>279,471</b>   | <b>115,000</b>   | <b>115,000</b> | <b>2,915,000</b> | <b>3,539,471</b>  |
| 20   | Police              | Seal Police Station bricks & replace garage doors                    | -                | 21,000           | 21,000           | -              | -                | 42,000            |
| 21   | Police              | Carpet Replacement                                                   | -                | 30,000           | -                | -              | -                | 30,000            |
| 22   | Police              | Replacement of Portable Radios                                       | -                | 20,000           | -                | -              | -                | 20,000            |
| 23   | Police              | Intellex Security System                                             | 20,352           | -                | -                | -              | -                | 20,352            |
| 24   | Police              | Tasers                                                               | 22,500           | 22,500           | -                | -              | -                | 45,000            |
| 25   | Police              | Cruiser Two-Way Radios                                               | -                | 12,000           | -                | -              | -                | 12,000            |
| 26   | Police              | Radar Units                                                          | -                | 20,950           | -                | -              | -                | 20,950            |
| 27   | Police              | Traffic Speed Measuring Signboard                                    | -                | 5,490            | -                | -              | -                | 5,490             |
| 28   | Police              | Harley Davidson Motorcycles                                          | 39,874           | -                | -                | -              | -                | 39,874            |
|      | <b>Police Total</b> |                                                                      | <b>82,726</b>    | <b>131,940</b>   | <b>21,000</b>    | <b>-</b>       | <b>-</b>         | <b>235,666</b>    |
| 29   | Parks               | Bartlett Mall Frog Pond Restoration                                  | 31,650           | 41,780           | 1,602,343        | -              | -                | 1,675,773         |
| 30   | Parks               | Atwood Park Improvement Project                                      | -                | 61,519           | 50,000           | -              | -                | 111,519           |
| 31   | Parks               | Cushing Park Improvement Project                                     | -                | 20,000           | 20,000           | 20,000         | -                | 60,000            |
| 32   | Parks               | Joppa Park Improvement Project                                       | -                | 55,525           | 20,000           | 330,000        | -                | 405,525           |
| 33   | Parks               | Inn Street Site Amenities                                            | -                | -                | 25,000           | 35,000         | -                | 60,000            |
| 34   | Parks               | Field Improvement - Construction Projects - Cherry Hill              | -                | 625,000          | -                | -              | -                | 625,000           |
| 35   | Parks               | Field Improvement - Construction Projects - Neck Diamond & Multi-use | 204,783          | 574,623          | -                | -              | -                | 779,406           |
| 36   | Parks               | Field Improvement - Construction Projects - Fuller Complex           | -                | 1,000,000        | 1,500,000        | -              | -                | 2,500,000         |
| 37   | Parks               | High School Athletic Field Renovation Project                        | 866,667          | 2,333,333        | -                | -              | -                | 3,200,000         |
| 38   | Parks               | Parks & Playground Equipment Replacement                             | 36,418           | 15,500           | 30,000           | 30,000         | 30,000           | 141,918           |
| 39   | Parks               | Colby Farm Land Acquisition                                          | 275,000          | 450,000          | -                | -              | -                | 725,000           |
|      | <b>Parks Total</b>  |                                                                      | <b>1,414,518</b> | <b>5,177,280</b> | <b>3,247,343</b> | <b>415,000</b> | <b>30,000</b>    | <b>10,284,141</b> |

# CAPITAL IMPROVEMENT PROGRAM

| Page | Department                          | Project Description                                            | FY15              | FY16              | FY17             | FY18           | FY19     | Five-Year<br>Total |
|------|-------------------------------------|----------------------------------------------------------------|-------------------|-------------------|------------------|----------------|----------|--------------------|
| 40   | Planning                            | Senior Community Center                                        | 4,350,000         | 1,165,669         | -                | -              | -        | 5,515,669          |
| 41   | Planning                            | Clipper City Rail Trail Extension Project - Design Phase       | 278,000           | -                 | -                | -              | -        | 278,000            |
| 42   | Planning                            | Clipper City Rail Trail Extension Project - Construction Phase | 198,000           | 3,962,940         | -                | -              | -        | 4,160,940          |
| 43   | Planning                            | Central Waterfront Bulkhead Project - Phase 1                  | 260,000           | -                 | -                | -              | -        | 260,000            |
| 44   | Planning                            | Central Waterfront Bulkhead Project - Phase 2                  | -                 | 2,500,000         | -                | -              | -        | 2,500,000          |
| 45   | Planning                            | Fish Pier Embayment Dredging Project                           | -                 | 50,000            | 600,000          | -              | -        | 650,000            |
| 46   | Planning                            | Inn Street - Phase II - Partial Brick Repair Project           | 475,746           | -                 | -                | -              | -        | 475,746            |
| 47   | Planning                            | Inn Street - Phase III - Fountain Improvement Project          | 358,037           | -                 | -                | -              | -        | 358,037            |
| 48   | Planning                            | Inn Street - Phase IV - Elevated Walkway Project               | -                 | -                 | 200,000          | -              | -        | 200,000            |
| 49   | Planning                            | City Hall Capital Improvement Project(s)                       | 15,000            | 180,000           | -                | -              | -        | 195,000            |
| 50   | Planning                            | Common Pasture Parking and Trailhead Project                   | -                 | -                 | 25,000           | 100,000        | -        | 125,000            |
| 51   | Planning                            | Parking Garage                                                 | -                 | 7,957,000         | 4,537,500        | -              | -        | 12,494,500         |
|      | <b>Planning Total</b>               |                                                                | <b>5,934,783</b>  | <b>15,815,609</b> | <b>5,362,500</b> | <b>100,000</b> | <b>-</b> | <b>27,212,892</b>  |
| 52   | Library                             | Carpet Replacement                                             | 12,275            | -                 | -                | -              | -        | 12,275             |
| 53   | Library                             | VOIP Phone System                                              | -                 | 16,425            | -                | -              | -        | 16,425             |
|      | <b>Library Total</b>                |                                                                | <b>12,275</b>     | <b>16,425</b>     | <b>-</b>         | <b>-</b>       | <b>-</b> | <b>28,700</b>      |
| 54   | Schools                             | Breshahan Elementary Model School Project                      | 7,867,284         | -                 | -                | -              | -        | 7,867,284          |
| 55   | Schools                             | Nock/Molin School Renovation                                   | 7,164,620         | -                 | -                | -              | -        | 7,164,620          |
| 56   | Schools                             | Newburyport High School-Roof Replacement                       | -                 | 70,000            | 532,500          | -              | -        | 602,500            |
| 57   | Schools                             | Newburyport High School-Historic Woodwork Restoration          | 130,000           | 170,000           | -                | -              | -        | 300,000            |
|      | <b>Schools Total</b>                |                                                                | <b>15,161,904</b> | <b>240,000</b>    | <b>532,500</b>   | <b>-</b>       | <b>-</b> | <b>15,934,404</b>  |
| 58   | Information Technol                 | IT Hardware                                                    | 48,500            | 153,500           | 88,500           | 58,500         | -        | 349,000            |
| 59   | Information Technol                 | Copier/Scanners                                                | -                 | -                 | 10,000           | 10,000         | -        | 20,000             |
| 60   | Information Technol                 | Storage Area Network Device                                    | -                 | -                 | -                | 40,000         | -        | 40,000             |
|      | <b>Information Technology Total</b> |                                                                | <b>48,500</b>     | <b>153,500</b>    | <b>98,500</b>    | <b>108,500</b> | <b>-</b> | <b>409,000</b>     |

# CAPITAL IMPROVEMENT PROGRAM

| Page | Department                    | Project Description                                          | FY15             | FY16             | FY17             | FY18             | FY19           | Five-Year Total  |
|------|-------------------------------|--------------------------------------------------------------|------------------|------------------|------------------|------------------|----------------|------------------|
| 61   | Highway                       | Roadway Improvements                                         | 852,000          | 500,000          | 500,000          | 500,000          | 500,000        | 2,852,000        |
| 62   | Highway                       | Sidewalk Improvements                                        | 380,000          | 300,000          | 300,000          | 300,000          | 300,000        | 1,580,000        |
| 63   | Highway                       | Purchase of 6 Wheel Dump Trucks                              | -                | 150,000          | 150,000          | 150,000          | -              | 450,000          |
| 64   | Highway                       | Roof Replacement at DPS Facility                             | -                | 80,000           | 80,000           | 80,000           | 80,000         | 320,000          |
| 65   | Highway                       | Purchase of One and a Half Ton Dump Trucks                   | 70,000           | -                | 70,000           | -                | -              | 140,000          |
| 66   | Highway                       | Purchase of Street Sweeper                                   | 67,000           | 67,000           | -                | -                | -              | 134,000          |
| 67   | Highway                       | Tree Truck                                                   | -                | -                | 150,000          | -                | -              | 150,000          |
| 68   | Highway                       | Purchase of 3/4 Ton Pickup Trucks with plows                 | 40,000           | 40,000           | 40,000           | -                | -              | 120,000          |
| 69   | Highway                       | Purchase of Front End Loader with Backhoe                    | -                | 120,000          | -                | -                | -              | 120,000          |
| 70   | Highway                       | Drainage Study                                               | -                | 50,000           | -                | -                | -              | 50,000           |
| 71   | Highway                       | Replacement of Fuel Pumping Station                          | -                | 21,000           | 21,000           | 21,000           | -              | 63,000           |
| 72   | Highway                       | Repair Stonewall at Highland Cemetery                        | -                | 40,000           | -                | -                | -              | 40,000           |
| 73   | Highway                       | Purchase of Automatic Hydraulic Salt Spreader Control System | -                | 18,000           | 18,000           | -                | -              | 36,000           |
| 74   | Highway                       | Replacement of HVAC system at the DPS Highway Facility       | -                | 100,000          | -                | -                | -              | 100,000          |
| 75   | Highway                       | Purchase of Tree Chipper                                     | 50,000           | -                | -                | -                | -              | 50,000           |
| 76   | Highway                       | Replacement of AWD Oversized MAC Snow plow Truck             | -                | 250,000          | -                | -                | -              | 250,000          |
|      | <b>Highway Total</b>          |                                                              | <b>1,459,000</b> | <b>1,736,000</b> | <b>1,329,000</b> | <b>1,051,000</b> | <b>880,000</b> | <b>6,455,000</b> |
| 77   | Water Enterprise              | DPS Water Main Replacement                                   | 325,000          | 325,000          | 325,000          | 325,000          | 325,000        | 1,625,000        |
| 78   | Water Enterprise              | DPS Facility Expansion                                       | 97,250           | 1,604,243        | -                | -                | -              | 1,701,493        |
| 79   | Water Enterprise              | DPS Meter Replacement Project                                | 150,000          | 150,000          | 150,000          | 150,000          | 150,000        | 750,000          |
| 80   | Water Enterprise              | Upper Dam and Intake Improvements                            | 1,600,000        | -                | -                | -                | -              | 1,600,000        |
| 81   | Water Enterprise              | Hot Top Roller                                               | 25,000           | -                | -                | -                | -              | 25,000           |
| 82   | Water Enterprise              | Mini Excavator                                               | -                | 100,000          | -                | -                | -              | 100,000          |
| 83   | Water Enterprise              | Dump Truck                                                   | 153,000          | -                | -                | -                | -              | 153,000          |
| 84   | Water Enterprise              | Water Tank Painting                                          | -                | 200,000          | 200,000          | 200,000          | 200,000        | 800,000          |
|      | <b>Water Enterprise Total</b> |                                                              | <b>2,350,250</b> | <b>2,379,243</b> | <b>675,000</b>   | <b>675,000</b>   | <b>675,000</b> | <b>6,754,493</b> |

## CAPITAL IMPROVEMENT PROGRAM

| Page | Department                           | Project Description                       | FY15              | FY16              | FY17              | FY18             | FY19             | Five-Year<br>Total |
|------|--------------------------------------|-------------------------------------------|-------------------|-------------------|-------------------|------------------|------------------|--------------------|
| 85   | Sewer Enterprise                     | Graf Road Lift Station and Force Main     | -                 | 560,000           | 5,589,000         | -                | -                | 6,149,000          |
| 86   | Sewer Enterprise                     | Purchase of Vactor Vacuum Truck           | 350,000           | -                 | -                 | -                | -                | 350,000            |
| 87   | Sewer Enterprise                     | Bobcat Loader                             | 90,000            | -                 | -                 | -                | -                | 90,000             |
| 88   | Sewer Enterprise                     | Plum Island Alarm System                  | -                 | 100,000           | 100,000           | 100,000          | 100,000          | 400,000            |
| 89   | Sewer Enterprise                     | Sewer Line Replacement                    | -                 | 200,000           | 200,000           | 200,000          | 200,000          | 800,000            |
| 90   | Sewer Enterprise                     | Clarifier Covers & Equipment              | -                 | -                 | 770,000           | -                | -                | 770,000            |
|      | <b>Sewer Enterprise Total</b>        |                                           | <b>440,000</b>    | <b>860,000</b>    | <b>6,559,000</b>  | <b>300,000</b>   | <b>300,000</b>   | <b>8,559,000</b>   |
| 91   | Harbormaster Enterprise              | Transient Boaters & Harbormaster Facility | -                 | 1,800,000         | -                 | -                | -                | 1,800,000          |
|      | <b>Harbormaster Enterprise Total</b> |                                           | <b>-</b>          | <b>1,800,000</b>  | <b>-</b>          | <b>-</b>         | <b>-</b>         | <b>1,800,000</b>   |
|      | <b>Grand Total</b>                   |                                           | <b>27,018,956</b> | <b>28,589,468</b> | <b>18,039,843</b> | <b>2,764,500</b> | <b>4,800,000</b> | <b>81,212,767</b>  |

### III. Project Detail Sheets by Department

(following pages)

**APPOINTMENTS  
SECOND READING**

## **MAYOR'S APPOINTMENTS**

**April 13, 2015**

### **SECOND READING**

#### **APPOINTMENTS**

|                      |                 |                                      |                  |
|----------------------|-----------------|--------------------------------------|------------------|
| 6. Elizabeth Horne   | 13 Moseley Ave. | Commission for Diversity & Tolerance | May 1, 2018      |
| 7. James Brugger     | 4 Savoy St.     | Planning Board                       | May 1, 2020      |
| 8. Andrew Shapiro    | 20 Eagle St.    | Planning Board                       | April 1, 2020    |
| 9. Donna Harrington  | 20 Beacon Ave.  | Highland Cemetery Commission         | February 1, 2018 |
| 10. Karen K. Johnson | 120 High St.    | Bartlet Mall Commission              | February 1, 2018 |
| 11. Richard Goulet   | 19 Kent St.     | ZBA Alternate to Full member         | June 30, 2016    |

#### **RE-APPOINTMENTS**

|                        |                  |                          |               |
|------------------------|------------------|--------------------------|---------------|
| 12. Joseph C. Teixeira | 44 Hale St.      | Conservation Commission  | March 1, 2018 |
| 13. Michael Dissette   | 44 Jefferson St. | Community Pres. Act Com. | March 1, 2018 |
| 14. Stephen B. Sawyer  | 15 Collins St.   | Parks Commission         | April 1, 2018 |
| 15. Kevin Hunt         | 14 Tenth St.     | Veterans Agent           | April 1, 2016 |

#### **In City Council March 30, 2015**

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

# ORDERS



# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

April 13, 2015

**THAT** the CITY COUNCIL of the CITY OF NEWBURYPORT approves the requirement that a Snow Emergency and Removal Plan be submitted to the City Council no later than the first meeting in September of each calendar year by the Director of the Department of Public Services or an appropriate designee.

**FURTHER** that said Snow Emergency and Removal Plan shall delineate and prioritize the removal of snow and ice from the ways of the city for which it is responsible, schools including school driveways and associated parking lots, public parking lots including those under the control of the CITY OF NEWBURYPORT and its government subparts and those plowed under contractual obligations. Additionally the plan shall include any other city facilities, sidewalks, and pathways under city control and maintenance that require snow removal; and

**FURTHER** said prioritization of streets, aforementioned parking lots, schools, facilities, and sidewalks or paths shall be delineated; but flexibility shall allow for any unforeseen emergency event or circumstance; and

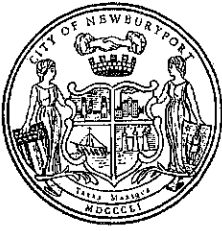
**FURTHER** the Snow Removal plan shall also contain a prioritized schedule of streets, parking lots, schools, facilities and sidewalks or paths that may require the removal of snow deposits by way of snow hauling or by other means as deemed appropriate, and

**FURTHER** that the so-called "blue light" snow emergency notification system shall be incorporated with the **CODERED** notification system, web page notification, and any other means of alerting the public to an impending or continuing snow emergency. These notifications and alerts shall be integrated into the overall Snow Emergency and Removal Plan in a manner that describes where vehicles are restricted from parking and where these vehicles can be parked in authorized off street parking lots during snow emergencies, the Snow Emergency and Removal Plan shall summarize the requirements as to when parked vehicles must be removed from these designated off street lots once a snow event has concluded and provide for the management of multiple snow events and parked vehicles in said lots and on said ways. And

**FINALLY** that the CITY OF NEWBURYPORT shall convene a meeting of all city departments and elected officials before December 1st of each calendar year to report readiness of the plan and the emergency notification systems.

Councillor Robert J. Cronin  
Public Safety Chair

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

April 13, 2015

**THAT** the CITY COUNCIL of the CITY OF NEWBURYPORT approves authorization for conditional use of Cushing Park as a seasonal park space and, subject to the specific requirements of this Order, deem this land subject to the protections of Article 97 of the Constitution of the Commonwealth of Massachusetts. Said land is hereby re-dedicated to park and recreation purposes under Massachusetts General Laws, Chapter 45, Section 14, under care, custody and management of the Parks Commission;

**AND** recognizing that residents of Newburyport's North End have a reliance on the availability of off-street winter parking on the so-called "Cushing Park" property;

**AND** further recognizing that residents near Cushing Park had utilized parking spaces in Cushing Park on a year-round basis as required by Newburyport zoning ordinance requirements;

**AND** parking availability in winter months must be maintained at existing levels and year-round parking at Cushing Park must remain available for park use and neighborhood requirements.

**THEREFORE** the Newburyport Parks Commission intends to undertake the seasonal conversion of portions of Cushing Park to function as a neighborhood park which is inviting with benches, landscaping, removable site amenities and other public benefits;

**AND** the Newburyport Parks Commission shall take use of Cushing Park as a seasonal park space but shall not inhibit use of the existing parking lot for off-street neighborhood parking as needed during the course of the year;

**AND** the Parks Commission may make permanent physical improvements to the property, including new landscaping, on any areas not already covered by paved surfaces;

**AND** if the Parks Commission wishes to remove asphalt pavement from the lot, at no point shall the total number of surface parking spaces available for use during winter months be less than the existing capacity of one hundred and four (104) spaces;

**AND**, that at no point shall the total number of surface parking spaces available for use during summer months be less than forty (40) spaces in the inaugural summer season of the improved Cushing Park;

**AND** that after said inaugural summer season of the improved Cushing Park a Public Hearing shall be held to further reduce summer parking of which further reduction shall require majority vote of the Newburyport City Council.

**THEREFORE** the Newburyport City Council hereby authorizes the Parks Commission to install and maintain seasonal parks equipment and related amenities at Cushing Park, located at Kent, Washington, and Buck Streets (and shown on the Assessors Map as Parcel 51-42) between May 1<sup>st</sup> and October 31<sup>st</sup> of each year;

**AND** the Parks Commission may remove asphalt pavement within forty (40) feet of the lot line abutting the residential property known as Assessors Map and Lot Number 51-41-103, which consists of homes fronting on Congress Street and Kent Street, in order to install an adequate landscaping buffer;

**AND** the Parks Commission may remove the existing Kent Street curb cut and access and replace with pedestrian access, landscaping and park amenities; while maintaining two curb cuts and vehicular access off Washington Street.

**THEREFORE** the above provisions shall replace and supersede those contained in a December 9, 2013 City Council Order.

Submitted,  
Councillor Robert J. Cronin for Ward 3

# CITY OF NEWBURYPORT



IN CITY COUNCIL

April 13, 2015

ORDERED:

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

**THAT** the City Council of the City of Newburyport hereby approve and authorize the acceptance of land by deed to the City on the so-called Oleo Woods property, said land identified as follows:

1. The land in Newburyport, Essex County, Massachusetts, being shown as the "Remaining Land" containing 39.95± acres, on a plan entitled "OSRD Definitive Plan for Land in Newburyport, MA, Showing Proposed Subdivision Modifications at Russell Terrace Extension, Prepared for: Springwell Investments, LLC, Scale: 1" = 80', Date: Mar. 9, 2011" being Sheet 3 of 25 on said plan which is recorded in the Essex South District Registry of Deeds as Plan No. 16 in Plan Book 430; and
2. The land in Newburyport, Essex County, Massachusetts, being shown as Parcel A (containing 897± square feet) on a plan prepared by Millennium Engineering, Inc. entitled "OSRD Definitive Plan for Land in Newburyport, MA, Showing Proposed Subdivision Modification, Prepared for: Springwell Investments, LLC, 11 Lafayette Road, P.O. Box 1297, N. Hampton, NH 03862, Scale: 1" = 40', Date: Mar. 9, 2011" said plan being recorded in the Essex South District Registry of Deeds as Plan No. 16 in Plan Book 430.

Further, that the Mayor of the City of Newburyport is hereby authorized to act on behalf of the City and enter into any and all instruments, including acceptance of a deed to the "Remaining Land" (39.95± acres) encumbered by a permanent Conservation Restriction held by Essex County Greenbelt Association in accordance with Massachusetts General Laws Chapter 184, and to take any other actions necessary to execute this acceptance accordingly.

Councillor Larry Giunta, Jr.

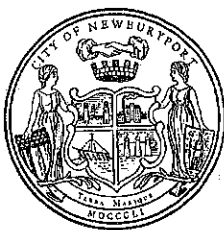


## Storey Avenue Open Space



1 inch = 405 feet

# CITY OF NEWBURYPORT



IN CITY COUNCIL

April 13, 2015

ORDERED:

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

**THAT** the City Council of the City of Newburyport hereby approve and authorize the acceptance of land by deed to the City on the so-called Woodman property, identified as Assessors Map 109 Lot 3-A, such land illustrated schematically as "Woodman Open Space" on a map entitled Storey Avenue Open Space, attached hereto, and as further depicted as Lot 3 (20.967± acres) on a so-called "Approval Not Required" Subdivision Plan of Land for 75, 79, 81 and 83 Storey Avenue, surveyed for Tropic Star Development, LLC, prepared by Design Consultants, Inc. and dated December 23, 2014; and

Further, that said land accepted by the City shall be subject to a Conservation Restriction to be held by Essex County Greenbelt Association, for the purposes of conservation and/or continued agricultural operations (as may be determined by the City at a future date by lease agreement through the Office of the Mayor); and

Further, that the Mayor of the City of Newburyport is hereby authorized to act on behalf of the City and enter into any and all instruments, including acceptance of a deed to the property encumbered by a permanent Conservation Restriction, or grant of such a Conservation Restriction to Essex County Greenbelt Association after acceptance of the property deed, in accordance with Massachusetts General Laws Chapter 184, and to take any other actions necessary to execute this acceptance and the associated Conservation Restriction accordingly.

Councillor Larry Giunta, Jr.

# CITY OF NEWBURYPORT



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

ORDERED:

April 13, 2015

**THAT**, \$1,527,435 is appropriated for additional costs of the World War Memorial Stadium Multi-Purpose Field project, including all costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow said amount under G.L. c.44, §7(25), or any other enabling authority; that the Mayor is authorized to contract for and expend any federal or state aid available for the project; and that the Mayor and the Treasurer are authorized to take any other action necessary or convenient to carry out this vote.

\_\_\_\_\_  
Councillor Charles F. Tontar

## **COMMITTEE ITEMS**



## **GENERAL GOVERNMENT**

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 30, 2015

## **Order Relative to Legislation Creating a new Regional Veterans' Services' District to Include the City of Newburyport, the City of Amesbury, the Town of Merrimac, and the Town of Salisbury.**

Whereas, the City of Newburyport and one or more of its neighboring communities, which may include the City of Amesbury, the Town of Merrimac and the Town of Salisbury, wish to create a new regional veterans' services district, and

Whereas, Massachusetts General Laws Chapter 115, Section 10 limits participation in such a regional district to adjacent municipalities and only one city per district, and

Whereas, said communities are in essential agreement as to the terms of an Intermunicipal Agreement for operation of such new regional veterans' services district,

Now therefore, be it **Ordered** that:

The City Council of the City of Newburyport hereby authorizes the Mayor, on behalf of the City, to submit a Petition to the General Court of the Commonwealth of Massachusetts to enact an Act creating a new regional veterans' services district, including the City of Newburyport and one or more of its neighboring communities, which may include the City of Amesbury, the Town of Merrimac, and the Town of Salisbury, provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Mayor approves amendments to the bill before enactment by the General Court, and to further authorize the Mayor to act on behalf of the City relative to any inquiries and/or changes made by the General Court concerning the proposed Act, and to approve amendments which shall be within the scope of the general public objectives of the petition and to cooperate with the City of Amesbury, the Town of Merrimac, and the Town of Salisbury in jointly submitting such petition, as needed:

## **AN ACT RELATIVE TO A REGIONAL VETERANS' SERVICES DISTRICT IN ESSEX COUNTY.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

**SECTION 1.** The cities of Newburyport and Amesbury and the towns of Merrimac and Salisbury, or any two or more of them, may establish a regional veterans' services district under the provisions of section 10 of chapter 115 of the General Laws, notwithstanding that said section

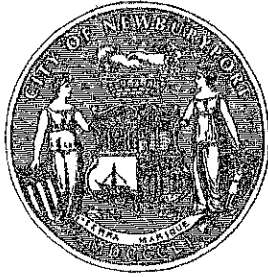
referred  
EC - Gov  
LB  
SV  
Committee of whole

10 limits participation in such a district to adjacent municipalities and only one city per district. Such district shall, other than as set forth herein, comply with the provisions of said section 10 and shall be known as the Hines/Shay Veterans' District.

**SECTION 2.** Said district may continue so long as the combined population of the cities of Newburyport and Amesbury shall not, by reference to the most recent US Census data, exceed 50,000. In any year in which the combined population of the cities of Newburyport and Amesbury is determined, by reference to the most recent US Census data, to exceed 50,000, the members of said district shall convene a district meeting. The purpose of such district meeting shall be to address a method of reforming the district in compliance with the population requirements of this Act and to establish a reasonable time frame in which to accomplish the transition necessary to such reformation without sacrificing services to the veterans of each community involved in such transition.

**SECTION 2.** This act shall take effect upon its passage.

Councillor Thomas F. O'Brien



# 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

2015 MAR 24 P 4:06

To: President and Members of the City Council  
From: Peter Lombardi, Director of Policy and Administration  
Date: March 18, 2015  
Subject: Intermunicipal Agreement for Veterans' Services

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Attached is an updated intermunicipal agreement (IMA) for the regional delivery of veterans' services under Massachusetts General Law Chapter 40 Section 4A. As you will recall, Amesbury, Merrimac, and Newburyport approved a slightly different version of this agreement last year which did not include Salisbury. Salisbury has since decided to join our regional IMA for FY16.

Newburyport will continue to be the lead community under this IMA, with Kevin Hunt fulfilling all duties as the Veterans Service Officer. Once this IMA is approved by the respective legislative bodies, each community will pay an apportionment based on the Schedule A attachment. For FY16, the annual expense (exempting Chapter 115 veterans' benefits) for Newburyport to participate in this regional agreement will be \$38,348.22 – basically level funding the FY15 expense of \$38,208.86. By way of comparison, the City Council appropriated \$52,523.80 in the FY14 Operating Budget for the veterans' service line items that will be covered under this regional agreement. Accordingly, the City is projected to continue to save approximately \$15,000 annually by operating under this regional IMA.

In adding Salisbury for FY16, the (now) four communities decided to change how the funding formula was structured. In FY15, it was based solely on population. For FY16, we plan to implement a hybrid formula based 75% on population and 25% on existing caseload. We believe that this approach most accurately reflects the amount of staff time spent working for the veterans of each community.

The FY15 IMA with Merrimac and Amesbury provided funding for the City to hire a part-time position (approximately 10 hours per week) to help Mr. Hunt with much needed clerical and administrative support. This time commitment was based on Mr. Hunt's

estimate for handling the shared workload. This summer, Mr. Hunt hired Bob Stanwood to fulfill these part-time administrative needs for the three communities. Coincidentally, Salisbury's VSO retired shortly after the start of the fiscal year and Mr. Stanwood has also been providing interim VSO services for Salisbury ever since. Salisbury has been very satisfied with Mr. Stanwood's work to date and expressed interest in joining the regional IMA for next year, essentially formalizing what has been in place for most of this fiscal year.

Mr. Hunt and Mr. Stanwood will continue to split their time between Newburyport City Hall and the Costello Center in Amesbury, and may have limited office hours in Merrimac and Salisbury as needed. Under the IMA, Mr. Hunt and Mr. Stanwood would continue to be City of Newburyport employees.

Also attached is a Home Rule Petition regarding the proposed regional veterans' district. Since 2010, MGL Chapter 115 Section 10 has provided a mechanism that allows municipalities to form a regional veterans' district. However, the statutory language specifies that the district shall be comprised of *one* city and surrounding towns. Accordingly, we must initiate a Home Rule Petition to allow the two cities (Amesbury and Newburyport) to participate in this newly proposed Hines/Shay Veterans' District. A combined population cap of 50,000 for the two cities has been incorporated into the Petition to alleviate any broader political concerns about the precedent set by allowing two cities to participate in a district.

Once the Act is approved by the legislature, the participating communities will then submit an application to the Massachusetts Department of Veterans' Services seeking formal recognition as a regional veterans' district. Before that application is submitted, the City Council will have to approve a different, slightly revised intermunicipal agreement that is more closely aligned with the statutory provisions of Chapter 115.

I look forward to discussing the details of the updated IMA and Home Rule Petition when this item is referred to Committee.

**VETERANS' SERVICES**  
**INTERMUNICIPAL AGREEMENT**

**THIS AGREEMENT** is entered into by and between the Cities of Amesbury and Newburyport and the Towns of Merrimac and Salisbury, Massachusetts (hereafter referred to individually as Amesbury, Newburyport, Merrimac, and Salisbury respectively, and hereafter referred to collectively as the "Municipalities"), this \_\_\_\_ day of \_\_\_\_\_ 2015, pursuant to the provisions of G.L. c. 40, §4A.

**WHEREAS**, the Municipalities wish to furnish such information, advice and assistance to veterans and their dependents as may be necessary to enable them to procure the benefits to which they are or may be entitled relative to employment, vocational or other educational opportunities, hospitalization, medical care, pensions and other veterans' benefits; and

**WHEREAS**, the Municipalities have determined that the joint provision of these services will best address the needs of veterans within the Municipalities; and

**WHEREAS**, the Municipalities have obtained authorization for this Agreement in accordance with the requirements of G.L. c. 40, §4A pursuant to a vote of the City of Amesbury's City Council and the approval of its Mayor on \_\_\_\_\_ 2015; a vote of the City of Newburyport's City Council and the approval of its Mayor on \_\_\_\_\_ 2015; a vote of the Town of Merrimac's Board of Selectmen on \_\_\_\_\_ 2015, and a vote of The Town of Salisbury's Board of Selectmen on \_\_\_\_\_ 2015.

**NOW, THEREFORE**, it is hereby agreed by and among the above-listed parties as follows:

- (1) For the purpose of implementing this Agreement, Newburyport shall act as the Lead Municipality acting for and on behalf of the Municipalities.
- (2) The Newburyport Veteran's Agent (the "Agent") shall serve as the veteran's agent for each of the Municipalities pursuant to the terms of this Agreement. The Agent shall for all purposes be deemed an employee of Newburyport. An Assistant Veteran's Agent will serve under the discretion of the Veteran's Agent and will be available to all municipalities, and will also be an employee of Newburyport. Both agents will be certified as Veteran Services Officers by the Massachusetts State Department of Veterans' Services.
- (3) The duties of the Veteran Agents shall include, but not be limited to, the following:
  - Furnishing information, advice and assistance to veterans, and their dependents as may be necessary to enable them to procure benefits to which they are entitled relative to employment, vocational or other educational opportunities, hospitalization, medical care, pensions and other benefits; and
  - Counseling and advising veterans and dependents and survivors in:

- finding employment;
  - obtaining an education;
  - finding alternative sources of income;
  - assisting in drug/alcohol rehabilitation;
  - obtaining medical assistance and nursing home placement;
  - assisting with burials;
  - and aiding with myriad issues relating to veteran's questions and problems; and
- Working with federal agencies established for the aid of veterans, enlist support of hospitals; and
  - Acquiring and making available copies of current booklets and other printed materials pertaining to the statutory rights of veterans provided under state and federal laws, and
  - Such other responsibilities as may be set forth in M.G.L. Chapter 115.
- (4) Permanent offices will be maintained in Newburyport at 333 High Street, and in Amesbury at 68 Elm Street. Office Hours will be commensurate with normal office hours within each community. Amesbury office phones will be answered live by a staff member between 9:00AM and 3:00PM Monday through Thursday, and from 8:00AM until 12:00M on Friday. Each permanent location will afford private space for meetings, phone lines, fax lines, standard office equipment, record storage and supplies.

Additionally, at the discretion of the Town Manager or designated Town Official(s), space within Merrimac and Salisbury municipal buildings may be provided for selected private meetings. Veterans Service Officers will also travel to private residences in any municipality for meetings when requested. In each municipality, the emphasis will be to accommodate the travel requirements of each client.

- (5) A notice shall be posted conspicuously and in a readily accessible format in each office specified herein and in the main municipal building of each of the Municipalities stating the name of the Agents; and the hours of operation, address, and telephone numbers for each office provided for under this Agreement. Such information shall also be made available on each of the Municipalities' website.
- (6) The respective expenses of the Municipalities will be apportioned on the basis of the population (75%) and on the basis of caseload (25%) of each of the Municipalities based on the figures noted in Schedule A. These apportionments may be modified by a unanimous vote of all municipalities on the anniversary of the agreement, or on an annual basis. Each of the Municipalities will continue to bear its respective M.G.L. Chapter 115 financial obligations to its own veterans.
- (7) Pursuant to the provisions of M.G.L. Chapter 40, §4A, the Agent shall provide each of the Municipalities with periodic financial statements that shall include: accurate and comprehensive records of the services performed under this agreement; the costs incurred; and the reimbursements and contributions received.

Such reports shall be compiled and distributed by the Agent on a quarterly basis, or, as requested.

- (8) A Municipality may withdraw from this Agreement by vote of the appropriate City Council or Board of Selectmen not less than one hundred and eighty (180) days prior to the close of the then fiscal year and notice of the vote must be filed with the other Municipalities which are parties to this Agreement.
- (9) This agreement may be amended to permit the addition of adjoining municipalities. The apportionment of the expenses of such adjoining municipality and of all current district municipalities shall be accomplished in compliance with the provisions of G.L. c. 115, §11.
- (10) This agreement shall remain in effect until dissolved by unanimous vote of the Municipalities, but in no event for longer than twenty-five (25) years. A vote to dissolve the agreement in this manner must be taken not less than one hundred and eighty (180) days prior to the close of the then fiscal year.
- (11) If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by the court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.
- (12) This Agreement may be amended from time to time in writing, by a vote of the Municipalities through their respective authorities as specified herein.



Executed as a sealed instrument.

The City of Amesbury  
City Council

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Approved:  
City of Amesbury Mayor

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The City of Newburyport  
City Council

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Approved:  
City of Newburyport Mayor

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The Town of Merrimac  
Board of Selectmen

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The Town of Salisbury  
Board of Selectmen

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# VETERANS' DISTRICT SCHEDULE A - FY16

| <u>TOWN</u>   | <u>2010<br/>POP.</u> | <u>POP.<br/>%</u> | <u>EXISTING<br/>CLIENTS</u> | <u>CLIENT<br/>%</u> |
|---------------|----------------------|-------------------|-----------------------------|---------------------|
| Newburyport   | 17,416               | 36.12%            | 25                          | 17.86%              |
| Amesbury      | 16,283               | 33.77%            | 67                          | 47.86%              |
| Merrimac      | 6,230                | 12.92%            | 11                          | 7.86%               |
| Salisbury     | <u>8,283</u>         | 17.18%            | 37                          | <u>26.43%</u>       |
| <b>Totals</b> | <b>48,212</b>        | <b>100.00%</b>    | <b>140</b>                  | <b>100.00%</b>      |

## DISTRICT OPERATING COSTS:

|                | <u>MONTHLY</u>      | <u>ANNUAL</u>        |                 |
|----------------|---------------------|----------------------|-----------------|
| Salary*        | \$ 8,666.67         | \$ 104,000.00        |                 |
| Materials      | \$ 150.00           | \$ 1,800.00          |                 |
| Postage        | \$ 40.00            | \$ 480.00            |                 |
| Mileage        | \$ 600.00           | \$ 7,200.00          |                 |
| Cell phone     | \$ 120.00           | \$ 1,440.00          |                 |
| sbscrptns/dues | \$ 15.00            | \$ 180.00            |                 |
| training       | \$ 20.00            | \$ 240.00            | 100% reimbursed |
| Medical        | \$ 500.00           | \$ 6,000.00          |                 |
| Maintenance    | \$ <u>15.00</u>     | \$ <u>180.00</u>     |                 |
|                | <b>\$ 10,126.67</b> | <b>\$ 121,520.00</b> |                 |

|                           |                      |
|---------------------------|----------------------|
| *1 F/T VSO                | \$ 66,000.00         |
| 1 P/T ASST VSO - 30 hours | \$ <u>38,000.00</u>  |
|                           | <b>\$ 104,000.00</b> |

## COSTS DISTRIBUTED BY 75% POPULATION / 25% CASELOAD

|             | <u>Monthly</u>      | <u>Annual</u>        |
|-------------|---------------------|----------------------|
| Newburyport | \$ 3,195.68         | \$ 38,348.22         |
| Amesbury    | \$ 3,776.70         | \$ 45,320.40         |
| Merrimac    | \$ 1,180.35         | \$ 14,164.20         |
| Salisbury   | \$ <u>1,973.93</u>  | \$ <u>23,687.19</u>  |
|             | <b>\$ 10,126.67</b> | <b>\$ 121,520.00</b> |