

CITY COUNCIL MEETING AGENDA - VERSION 1

May 11, 2015

7:00 PM

**CAPITAL IMPROVEMENT PROGRAM HEARING – CHARTER SEC.6-5
CITY COUNCIL CHAMBERS**

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

April 27, 2015

(Approve)

8. TRANSFERS - None

9. COMMUNICATIONS

1. Neurofibromatosis Northeast 5th Annual Coast to Cure, Sept. 12, 2015
2. Letter supporting proposed Smart Growth District from Chamber of Commerce
3. Letter re: sidewalks and bike paths to Hale Street and West End
4. Block Party Application, Lincoln Street between Beacon and Marlboro
5. AFSCME Negotiations –Tentative agreement details
6. Request to present to City Council Essex Tech High School
7. Letter re: Health Insurance Benefit

(PS)
(R&F)
(N&CS)
(Approve)
(B&F)
(P&D, PU)
(GG)

10. APPOINTMENTS – First Reading - None

END OF CONSENT AGENDA

REGULAR AGENDA

11. COMMUNICATIONS

7. LATE FILE – Mayor's Communication

12. APPOINTMENTS - Second Reading

APPOINTMENTS

1. Constance Maass 4 Smith Street Bartlet Mall Commission

February 1, 2018

13. ORDERS

1. Authorization Acceptance of Wine OS

14. ORDINANCES

1. Amend Zoning Add Office Uses at Business Park
2. Amend Zoning Definitions 2 Family and Multi-Family uses

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. Harbormaster Rate Increase | *03/30/2015 |
| 9. FY2015-FY2019 Capital Improvement Program | *04/13/2015 |
| 10. School Dept School Expenses to School Lunch Program \$25,000 | *04/27/2015 |
| 11. AFSCME Negotiations – Tentative Agreement | *04/27/2015 |
| 12. Annual Audit FY2014 Financial Statements – copy on file in City Clerk's office | *04/27/2015 |

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 |
| 2. Cushing Park | *04/13/2015 |
| 3. Temple Street sidewalk repair | *04/27/2015 |

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 |
| 5. Accept Oleo Woods land | *04/13/2015 |
| 6. Accept Woodman Way land | *04/13/2015 |

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 |
| 6. London Livery request for valet parking at 38 State Street | *04/27/2015 |

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

April 27, 2015

Council Meeting

Council President O'Brien called the meeting to order at 7:30 pm. A moment of silence was held for Drew Zabriskie, son of former Mayor Zabriskie, and Carol Lyons a former school teacher. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Connell, Cronin, Eigerman, Giunta, Heartquist, Herzog, Kinsey, Tontar, Vogel and O'Brien. 10 present, 1 absent (Cameron).

1. LATE FILES – None

2. PUBLIC COMMENT

- | | | |
|--------------------|------------------|---------------------------|
| 1. Constance Maass | 4 Smith Street | Commissioner Bartlet Mall |
| 2. Steve Bradbury | 24 Howard Street | Stadium |

3. MAYOR'S UPDATE

The Mayor gave an update.

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.

4. APPROVAL OF MINUTES

April 13, 2015

(Approved)

5. TRANSFERS

1. School Dept School Expenses to School Lunch Program \$25,000 (B&F)

6. COMMUNICATIONS

- | | |
|---|------------|
| 1. AFSCME Negotiations – Tentative Agreement | (B&F) |
| 2. London Livery request for valet parking at 38 State Street | (PS) |
| 3. Outdoor Seating Renewal Anchor Stone Deck Pizza | (Approved) |
| 4. Annual Audit FY2014 Financial Statements – copy on file in City Clerk's office | (B&F) |

7. APPOINTMENTS – First Reading

APPOINTMENTS

- | | | | |
|--------------------|----------------|-------------------------|------------------|
| 1. Constance Maass | 4 Smith Street | Bartlet Mall Commission | February 1, 2018 |
|--------------------|----------------|-------------------------|------------------|

END OF CONSENT AGENDA

Motion to approve the consent agenda by Councillor Tontar, seconded by Councillor Connell. So voted.

REGULAR AGENDA

8. EXECUTIVE SESSION

Motion to go into Executive Session at 7:50pm by Councillor Tontar, seconded by Councillor Giunta. Roll call vote, 9 yes, 1 no (Herzog), 1 absent (Cameron). So voted.

Councillor O'Brien stated the meeting would resume after executive session.

Motion to come out of Executive Session at 8:42pm by Councillor Tontar, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (Cameron).

9. COMMUNICATIONS

5. Letter re: Service master charges for PI Water & Sewer claims

Motion to receive and file by Councillor Vogel, seconded by Councillor Giunta. So voted.

6. Temple Street sidewalk repair

Motion to refer to N&CS by Councillor Eigerman, seconded by Councillor Connell. So voted.

7. LATE FILE – Mayor’s Communication

Motion to receive and file by Councillor Cronin, seconded by Councillor Giunta. So voted.

10. APPOINTMENTS - Second Reading

APPOINTMENTS

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

Motion to approve 2 and 3 collectively by Councillor Herzog, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 absent (Cameron). So voted

RE-APPOINTMENTS

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

APPOINTMENTS

7. Jason Kohan	23 Georges Way, Newton, NH	Sergeant, Police Department
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Motion to approve 4 through 7 collectively by Councillor Herzog, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 absent (Cameron). So voted.

11. ORDERS – None

12. ORDINANCES – None

13. 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. Harbormaster Rate Increase	*03/30/2015
9. Mayor Gen'l Fd Free Cash to Multiple Capital Projects \$358,289	*04/13/2015

Motion to remove by Councillor Tontar, seconded by Councillor Cronin. So voted.

Motion to approve \$15,000 City Hall Men’s Bathroom Renovation by Councillor Tontar, seconded by Councillor Cronin. Roll call vote, 10 yes, 1 absent (Cameron). So voted.

Motion to approve \$70,000 1.5 ton F550 by Councillor Tontar, seconded by Councillor Herzog. Roll call vote, 10 yes, 1 absent (Cameron). So voted.

Motion to approve \$50,000 Tree Brush Chipper by Councillor Tontar, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (Cameron). So voted.

Motion to approve \$40,000 ¾ ton Pick-up with Plow by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 absent (Cameron). So voted.

Motion to approve \$67,000 Street Sweeper by Councillor Tontar, seconded by Councillor Herzog. Roll call vote, 10 yes, 1 absent (Cameron). So voted.

Motion to approve \$25,239 Remote Antenna Repair by Councillor Tontar, seconded by Councillor Herzog. Roll call vote, 10 yes, 1 absent (Cameron). So voted.

Motion to approve \$48,500 20 computers, 2 multi-function PSF, 4 HP Procure Switches by Councillor Tontar, seconded by Councillor Kinsey. Roll call vote, 9 yes, 1 no (O’Brien), 1 absent (Cameron). So voted.

Motion to approve \$16,425 VOIP Phone System by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 6 yes, 4 no (Cronin, Eigerman, Herzog, O'Brien), 1 absent (Cameron). Motion passed.

Motion to approve \$10,580 Nock/Molin Field Design by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 absent (Cameron). So voted.

Motion to approve \$10,000 Cashman Park Right Field Netting by Councillor Tontar, seconded by Councillor Giunta. Roll call vote, 8 yes, 2 no (Cronin, O'Brien), 1 absent (Cameron). So voted.

Motion to approve \$5,625 Brown School Gym Handicapped Ramp by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 9 yes, 1 no (Herzog), 1 absent (Cameron). So voted.

10. DPS Sewer Rtd Earnings \$346,798 to SWR Overtime \$85,776, SWR Line Maint \$191,022, SWR Temp Housing \$70,000 *04/13/2015

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

11. Mayor Gen'l Fd Free Cash to Harbormaster Facility Project \$18,000 *04/13/2015

Motion to remove by Councillor Tontar, seconded by Councillor Kinsey. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Kinsey. Roll call vote, 10 no, 1 absent (Cameron). Motion failed.

12. Police Dept. Salary of Officers to Purchase of Cruisers \$16,654.87 *04/13/2015

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

13. World War Memorial Stadium Multi-Purpose Field project appropriation Loan Order *04/13/2015

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

14. FY2015-FY2019 Capital Improvement Program *04/13/2015

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

6. Letter regarding past due real estate taxes *04/13/2015

7. Enpro Letter re: 77 Parker St. – P&S Agreement *04/13/2015

8. Letter re: 1 Kent Street – P&S Agreement *04/13/2015

Motion to remove items 6, 7 and 8 collectively by Councillor Heartquist, seconded by Councillor Herzog. So voted. Motion to receive and file by Councillor Heartquist, seconded by Councillor Herzog. So voted.

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

2. Cushing Park *04/13/2015

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

5. Accept Oleo Woods land *04/13/2015

6. Accept Woodman Way land *04/13/2015

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. 4th 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
6. Snow Removal Plan *04/13/2015

Motion to remove by Councillor Cronin, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Tontar. Roll call vote, 9 yes, 1 no (Connell), 1 absent (Cameron). So voted.

Public Utilities Committee

In Committee:

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

Rules Committee

14. GOOD OF THE ORDER

Councillor Elgerman gave condolences to the Lyons family for his first grade teacher, Mrs. Lyons.

Councillor Kinsey reminded everyone of the School Committee meeting on the budget on Tuesday April 28th at 6:30pm.

Councillor Tontar thanked the Fire Department for their professionalism in responding to a call at his home.

Clerk Jones said he wished Peter Lombardi well in his new assignment in Wenham and said Peter has been the consummate professional to work with.

15. ADJOURNMENT

Councillor Kinsey moved to adjourn, seconded by Councilor Herzog at 9:56 pm. So voted.

TRANSFERS

COMMUNICATIONS



Neurofibromatosis, Northeast

9 Bedford Street ~ Burlington, MA 01803

781-272-9936 ~ info@nfincne.org

www.nfincne.org

Communication #1

May 11, 2015

Committee

Ben Buttrick &
Kevin McKelvey
Co-Chairpersons

John Duff
Kate Duff
Megan Duff
Jill Tozza Feeney
Peter Gentile
Tracy Kelley
Chanda McKee
Alex Powers
Elaine Powers
Steve Shelgren

2015 APR 15 A 10:50

April 13, 2015

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

Dear Mr. Jones,

On behalf of Neurofibromatosis Northeast, I am seeking permission once again to include your city in our route for the upcoming 5th Annual Coast to the Cure bike ride. Coast to the Cure takes place on Saturday, September 12, 2015. The ride starts and finishes from Stage Fort Park in Gloucester. The event consists of three prescribed routes (24, 66 and 100 miles) encompassing 18 communities: Beverly, Ipswich, Wenham, Hamilton, Essex, Manchester, Georgetown, Groveland, North Andover, Boxford, Middleton, Topsfield, Rowley, Haverhill, Amesbury, Merrimac, Newbury and Newburyport.

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

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

In addition to seeking permission to traverse through the city we are also requesting the use of the Cushing Park parking lot as a water stop from approximately 10am-2pm. I've reached out to Chief Murray as well. Attached please find a completed special events application and route map.

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

Thanks so much for your consideration.

Sincerely,

Diana Flahive
Director of Special Events

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

An advocate for NF patients and families since 1988

SPECIAL EVENT APPLICATION

SPECIAL EVENTS

Tel.

Fax.

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

NAME OF EVENT:

Coast to the Cure

1. Date: 9/12/15 Time: from 7 AM to 4 PM
Rain Date: n/a Time: from _____ to _____
2. Location: Starts + ends - Stage Fort Park, Gloucester. Route goes through Newbury port. Rest stop at Cushing Park
3. Description of Property: Cushing Park Public ☒ Private ☐
4. Name of Organizer: Neurofibromatosis Northeast City Sponsored Event: Yes ☐ No ☒
Contact Diana Flahive Person: _____
Address: 9 Bedford Street, Burlington, MA 01803 Telephone: _____
E-Mail: dflahive@nfincne.org Cell Phone: 781-272-9936
Day of Event Contact & Phone: Diana Flahive, 617-777-5397
5. Number of Attendees Expected: 50 riders @ rest stop + on Newbury port streets
6. MA Tax Number: 04-3013709 (EIN)
7. Is the Event Being Advertised? yes Where? brochures in local business, radio - 104.9
8. What Age Group is the Event Targeted to? 25-50
9. Have You Notified Neighborhood Groups or Abutters? Yes ☒ No ☐ Who? We've reached out to all 18 communities the ride goes through

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

- A. Vending: Food _____ Beverages _____ Alcohol _____ Goods _____ Total # of Vendors _____
- B. Entertainment: (Subject to City's Noise Ordinance.) Live Music _____ DJ _____ Radio/CD _____
Performers _____ Dancing _____ Amplified Sound _____ Stage _____
- C. Games / Rides: Adult Rides _____ Kiddie Rides _____ Games _____ Raffle _____
Other _____ Total # _____
Name of Carnival Operator: _____
Address: _____
Telephone: _____
- D. 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

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____ Cycling
ROAD RACE ☒ WALKATHON _____ Water Stop ☒

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon: New England BioLabs - our main sponsor
2. Name, Address & Daytime Phone Number of Organizer: Neurofibromatosis Northeast
9 Bedford Street, Burlington, MA 01803
781-272-9936
3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up: Diana Flahive
9 Bedford Street, Burlington, MA 01803
617 777 5347
4. Date of Event: 9/12/15 Expected Number of Participants: 50
5. Start Time: 8AM Expected End Time: 4PM
6. Road Race, Parade or Walkathon Route: (List street names & attach map of route): Cross Chain Bridge,
Merrimack, Kent, Water, Ocean
7. Locations of Water Stops (if any): Cushing Park
8. Will Detours for Motor Vehicles Be Required? NO If so, where? _____
9. Formation Location & Time for Participants: Start/finish stage fort park, Gloucester
10. Dismissal Location & Time for Participants: Rest Stop should be cleared by
2PM
11. Additional Parade Information:
 - Number of Floats: _____
 - Locations of Viewing Stations: _____
 - Are Weapons Being Carried: Yes _____ No ☒
 - Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No ☒

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE/CROSSING

CITY MARSHAL [Signature] 4 Green St FIRE CHIEF [Signature] 8 Greenleaf St.
 DEPUTY DIRECTOR [Signature] 1 Perry Way CITY CLERK [Signature] 60 Pleasant St

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: 4/13/15

Signature: Diana Furr

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.

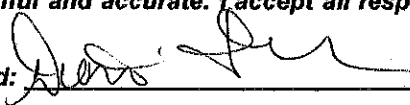
- (f) *"Insurance"* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an insured. The policy shall be no less than two million dollars (\$2,000,000.00).
- (g) *"Event termination"* If in the judgment of the City Marshal, Fire Chief or Department 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.

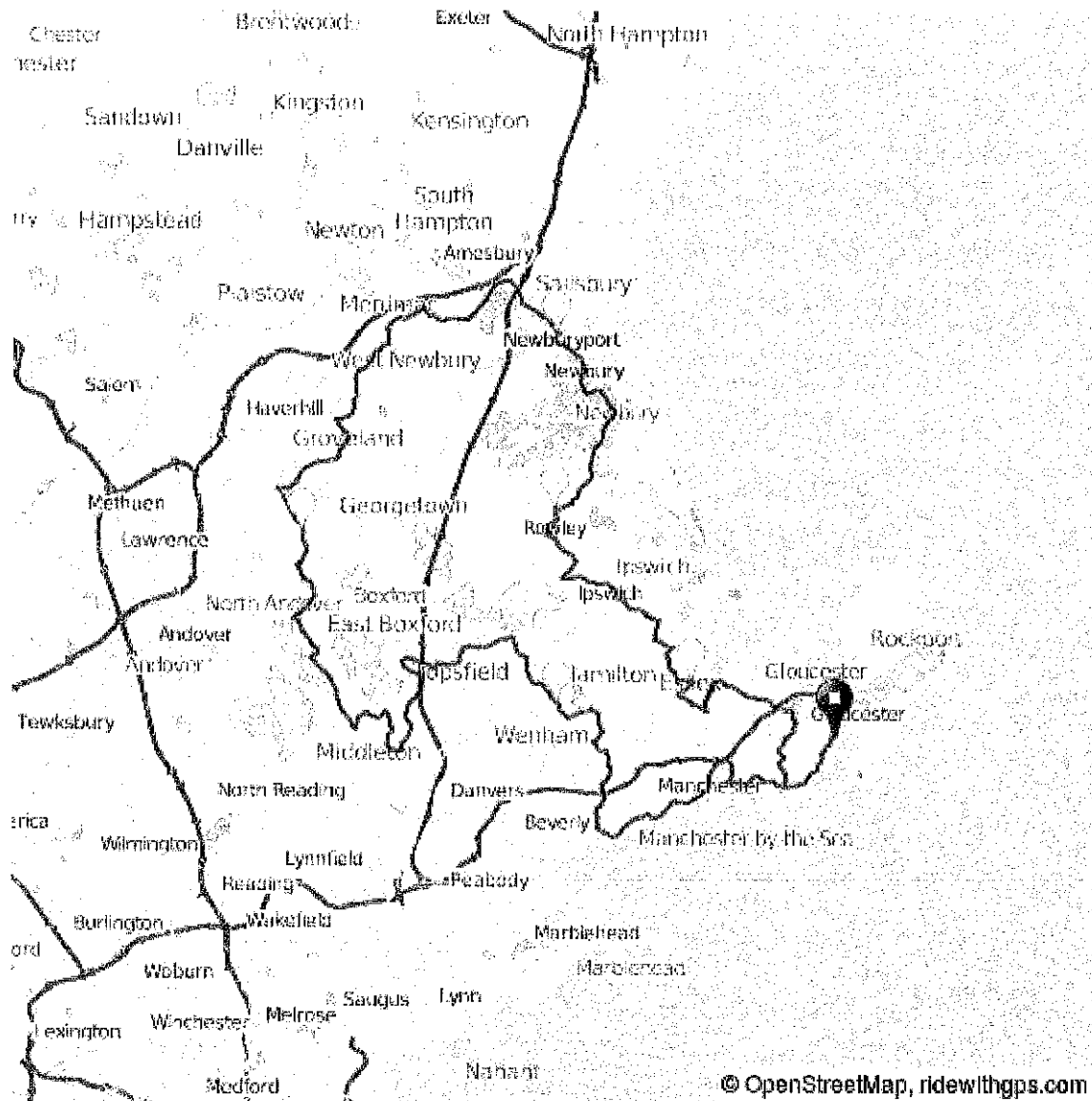
I fully understand and agree to all the terms set forth in this application. The information that I have provided is truthful and accurate. I accept all responsibility related to this event.

Signed:



Date:

4/13/15



NF 2014 Century - 100 miles

97.9 miles

Leg	Dir	Type	Notes	Total
	←	Left	Start	0.0
0.3	←	Left	Western Ave	0.3
0.8	←	Left	Hesperus/Norman/Raymond	1.0
2.5	←	Left	MA-127 S/Summer St	3.6
2.0	→	Right	Forest St	5.5
0.7	←	Left	Mill St	6.2
0.7	←	Left	School St	6.9
1.0	→	Right	MA-127	7.9
5.0	→	Right	Boyles St	12.9
0.6	→	Right	Boyles	13.5
0.2	→	Right	Foster St	13.7
0.2	↑	Straight	Continue Standley St	13.9
0.8	→	Right	MA-22 N/Essex St	14.7
0.2	←	Left	MA-22	14.9
1.2	←	Left	Grapevine Rd	16.1
0.7	→	Right	Larch Row	16.8
0.6	←	Left	Miles River Rd	17.4
0.7	←	Left	Bridge St	18.1
0.4	←	Left	MA-1A S/Bay Rd	18.4
0.9	→	Right	Asbury St	19.4
0.7	↑	Food	REST STOP - TOILETS	20.0
0.4	→	Right	Highland St	20.4
0.1	←	Left	Asbury	20.5
2.9	←	Left	Ipswich Rd	23.3
2.1	←	Left	Main St	25.4
0.3	→	Right	Washington St	25.8
0.8	←	Left	Washington / Endicott	26.6
5.6	→	Right	MA-62 W/Maple St	32.2
0.4	→	Right	Liberty St	32.6
0.6	→	Right	Mill St	33.2
1.0	←	Left	Peabody St	34.2
0.4	→	Right	Liberty St	34.6
0.5	←	Left	School St	35.1
0.8	→	Right	Essex St	35.9
2.0	↑	Straight	Salem St	37.9
1.2	→	Right	Ingalls St	39.1
0.5	←	Left	Forest St	39.6
1.3	←	Left	Boxford St	40.9
0.2	→	Right	Foster St	41.1
1.2	←	Left	Continue Winter St	42.3
1.4	→	Right	Dale St	43.7
0.1	←	Left	Glendale Rd	43.9
0.7	←	Left	Main St	44.6
0.5	↑	Food	REST STOP - TOILETS	45.1
1.9	→	Right	SHARP R - Lilly Pond Rd	47.0
0.8	↑	Straight	Continue onto Boxford Rd	47.9

Leg	Dir	Type	Notes	Total
0.0	←	Left	Barker	47.9
0.4	→	Right	S Cross/Lawrence/Main/Gardner	48.3
2.2	←	Left	MA-97 and over Bridge	50.5
0.4	→	Right	Orchard Ave	50.9
0.0	←	Left	Old Ferry Rd	50.9
0.5	→	Right	E Broadway	51.5
3.9	←	Left	River Rd	55.4
2.3	→	Right	Turn right onto Skunk Rd	57.7
0.4	↑	Straight	Continue onto Pleasant Valley Rd	58.0
2.7	↑	Straight	Merrimac St	60.7
0.4	→	Right	Main St	61.1
1.2	↑	Straight	cross Chain Bridge	62.3
0.4	←	Left	ROTARY Merrimac St	62.7
1.8	→	Right	Kent	64.5
0.0	→	Right	Merrimac St	64.5
0.1	→	Right	REST STOP - TOILETS exit to the RIGHT	64.6
0.2	←	Left	Turn left onto High St	64.8
1.7	→	Right	Turn right onto Hanover St	66.5
0.2	←	Left	Green St	66.7
0.9	←	Left	Hay St	67.5
0.5	→	Right	1A S/High Rd	68.0
4.5	→	Right	Cross St	72.5
0.9	→	Right	Cross St - Central	73.4
0.1	←	Left	Sharp left onto Central St	73.5
0.4	→	Right	Slight right onto Wethersfield St	73.9
0.8	←	Left	Slight left onto Haverhill St	74.7
0.4	→	Right	Turn right onto MA-133 E/MA-1A S/Main St	75.1
1.2	→	Right	Mile Ln	76.2
0.8	←	Left	Linebrook Rd	77.1
1.7	→	Right	Central St/1A/S Main	78.8
0.7	→	Right	1A S	79.5
0.1	←	Left	Argilla	79.6
1.8	→	Right	Northgate Rd	81.4
0.7	←	Left	MA-133 E	82.1
0.7	→	Right	Choate St	82.8
0.3	←	Left	Belcher St	83.1
1.2	←	Left	Story St	84.4
0.3	↑	Straight	cross onto Winthrop St	84.7
0.3	←	Left	into REST STOP	85.0
0.0	←	Left	Martin	85.0
0.7	←	Left	Turn left onto Apple St	85.7
1.3	←	Left	Southern Ave	87.1
0.8	→	Right	School St	87.8
0.2	←	Left	Grove St	88.0
0.1	→	Right	Eastern Ave 133	88.1
3.9	→	Right	Magnolia Ave	92.1
2.8	←	Left	Norman/Hesperus	94.9
2.8	→	Right	Hough Ave	97.7



CERTIFICATE OF LIABILITY INSURANCE

NEURO-2

OP ID: ST

DATE (MM/DD/YYYY)

04/29/15

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

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

PRODUCER T F Ward Insurance Agency, Inc 403 Franklin Street Melrose, MA 02176 Thomas Ward Insurance	Phone: 781-665-2990 Fax: 781-665-8703	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS: FAX (A/C, No):
INSURED NEUROFIBROMATOSIS, INC. Karen Peluso 9 Bedford St Burlington, MA 01803		INSURER(S) AFFORDING COVERAGE INSURER A: The Hartford INSURER B: Foremost Insurance Company INSURER C: Travelers Casualty 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
B	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Business Owners GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC		PPS40720634	06/27/14	06/27/15	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 2,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		PPS40720634	06/27/14	06/27/15	COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ 1,000,000 BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
B	UMBRELLA LIAB EXCESS LIAB DED <input checked="" type="checkbox"/> RETENTION \$ 0		PPS40720634	06/27/14	06/27/15	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> N/A	08WECKH3323	06/27/14	06/27/15	WC STATUTORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Directors/Officers		106101201	05/13/14	05/13/15	1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
City of Newburyport is listed as additional insured with respects to the general liability coverage.

CERTIFICATE HOLDER

NEWBURY

City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

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RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2015/05/22 A 11:07

April 22, 2015

Honorable Mayor Donna D. Holaday,
President Thomas O'Brien and Members of the Newburyport City Council
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950

Dear Mayor Holaday, President O'Brien and Members of the City Council:

On behalf of the Greater Newburyport Chamber of Commerce & Industry Board of Directors I submit this letter of support for the proposed 40R Smart Growth District to be established near Route 1 and State Street adjacent to the Newburyport MBTA Train Station. We believe that this project is not only in keeping with the Mission and Goals of our Chamber but also is consistent with the City of Newburyport's Master Plan and would be a benefit to our members and community as a whole.

The Chamber's Mission is to support the success of our Members and lead in sustainable economic development, while doing so in harmony with our members. We believe the proposed 40R Smart Growth District supports this Mission as follows:

- **Stimulate Economic Development.** This area of the City is one of the few remaining areas of the City with enough land to generate potentially significant tax revenue for the City. In addition, this area is an important gateway to the City and could benefit from a 'facelift' that could come as a result of this initiative -- the MINCO project being only the first of hopefully other such projects. Proximity to the Newburyport Business and Industrial Park could also benefit companies within the Park by offering those employees affordable housing options, as well as access to basic services such as food and other amenities.
- **Affordable Housing = Ability To Attract A Qualified Workforce.** The high cost of housing in this area is often a factor that inhibits local employers from attracting a quality workforce. Unlike 40B, 40R will allow the City to increase its stock of affordable housing while maintaining control over its design to ensure the new homes complement existing structures and tie into the overall housing plan of the community. And while the state mandates a minimum of 20% affordable housing, the City is proposing 25%—even better!
- **Smart Growth and Shared Workspaces.** The concept of shared workspaces is one that could benefit sole proprietors and small businesses just starting out. Sole Proprietors make up 20% of

the Chamber's membership. Additionally the District's Smart Growth requirements – appropriate density consistent with the existing environmental conditions, affordable housing for a range of populations including those with children, 'green' building practices—are very much in keeping with our goal of 'sustainable economic development.'

- **Transportation.** There is little dispute that the MBTA system has been under stress as of late, and will no doubt be pressured to 'streamline' its systems in the near future. Enhanced housing and business opportunities adjacent to the Newburyport MBTA Train Station could energize and potentially even save train service to and from Newburyport -- extremely critical for local residents and employees who use the train to get to and from work.
- **Financial Benefit.** The Commonwealth of Massachusetts provides direct cash payments to cities and towns that create zoning overlay districts that meet all the requirements of the statute. Besides a zoning incentive payment of up to \$600,000, localities qualify for a density bonus of \$3,000 per unit, which to date has amounted in some municipalities receiving as much as \$2 million in incentives. The payments come with no strings attached, enabling the municipality to allocate the money as it sees fit. There is no doubt that these funds could greatly benefit the City and if used for infrastructure such as improved roads and services, would have a direct impact on businesses as well.

We believe that establishing a 40R Smart Growth District could truly revitalize this gateway to the City, encourage private investment, bolster affordable housing, and provide much needed funding and tax revenue to the City. Accordingly, we enthusiastically endorse this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Gobbi". The signature is stylized with a large "K" and a cursive "Gobbi".

Kim Gobbi
Chair, Board of Directors

On Fri, Apr 24, 2015 at 6:52 PM, mgrantjemb <mgrantjemb@yahoo.com> wrote:

Dear Councilors,

As a longtime Newburyport resident, my husband and I read with a great deal of enthusiasm and interest about the progress Newburyport is making to ensure more access to our downtown and waterfront. However, it seems that this access is geared toward visitors and residents who already have sidewalks and bike paths in place that grant them a safe route to public schools and the cultural center of the city.

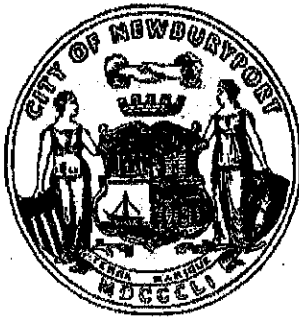
As a resident of the West End, we wonder if there is any conversation in place to provide us with the same safe access to the downtown area. Hale Street is a two mile road with direct connection to our public schools, library, and the downtown area. My husband and I have been riding our bikes via Hale Street to the downtown area for over 40 years. In the last few years we have seen an increase in traffic which makes it frightening to ride a bike or walk down Hale Street. Once United Foam is operational, we will again see more commuter traffic and the return of large trucks entering and exiting Hale Street.

Could you please help us investigate a way to add sidewalks and bike paths to Hale Street in order to give West End residents access to the center of Newburyport?

Thank you for your consideration. I look forward to hearing from you about the next steps.

Sincerely,

Marcia and William Grant
5 Newhall Lane
978-462-7660



2015 APR 27 P 3:19



CITY OF NEWBURYPORT
60 PLEASANT STREET
NEWBURYPORT, MA 01950

BLOCK PARTY APPLICATION

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

DATE OF REQUEST:

4/22/15

CONTACT INFORMATION

FIRST AND LAST NAME:

Raffi Langley

MAILING ADDRESS:

17 Lincoln St Apt

PHONE NUMBER:

978-270-9097

E-MAIL ADDRESS:

langley11@comcast.net

BLOCK PARTY INFORMATION

BLOCK PARTY DATE:

5/16/15 (5/17/15 rain date)

DESIRED STREET CLOSING LOCATION:

Lincoln + corner of Beacon

Please indicate cross streets when requesting the closing of street sections

Lincoln + corner of Marlboro

STREET TO BE BARRICADED:

Lincoln Street

DESIRED STREET CLOSING TIME:

3 pm - 10 pm

Block Parties should run no later than 10:00 p.m.

REGULATIONS

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

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

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

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

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

Applicant Signature

Bob Zengler

Date

4/27/15

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHALL

4 Green Street

FIRE CHIEF

Greenleaf Street

DEPUTY DIRECTOR

1 Perry Way

CITY CLERK

60 Pleasant St.

M. M. M.

4/24/15

Dep. S. H. B.

4/24/15

W. M. M.

4/27/2015

Richard B. M.

City use only:

Approved

Denied

Date

I am in favor of a block party on May 16, 2015. I am aware this involves blocking off Lincoln Street for the party.

Rain date May 17th

Name

Address

Signature

Patti Langley 17 Lincoln PA Langley

Caroline Cheekway 23 Lincoln Caroline Cheekway

Melanie Bennett 18 Lincoln St Melanie Bennett

David S. Harontunian " David Harontunian

Dick Dionne 16 Lincoln Dick Dionne

Sam ✓ ✓ Sam

Sam ✓ ✓ Sam

Sean Haras 14 Lin Sean Harrington

Sarah Harrington 14 Lincoln St Sarah Haras

13 Lincoln

JANE BARD 11 Lincoln Jane Bard

RICHARD SHARP 11 Lincoln Richard Sharp

~~12 Lincoln~~

Mike + Debbie Shepard 8 Lincoln Mike + Debbie Shepard

Donna Pierce 6 Lincoln Donna Pierce

Ally Nays 4 Lincoln Ally Nays

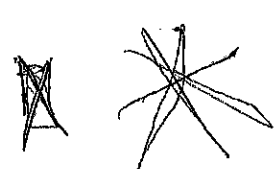
Jen Galoski 13 Lincoln Jen Galoski

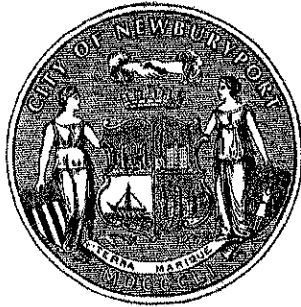
Tony Francis 3 Lincoln Tony Francis

Mike + Diane Ryan 10 Lincoln St Mike + Diane Ryan

Karen Wiener + Dick Wierke 7 Lincoln St Karen Wiener + Dick Wierke

Kat Carree 12 Lincoln St Kat Carree





CITY OF NEWBURYPORT, MASSACHUSETTS
Donna D. Holaday, Mayor

APR 28 AM 10:10

Office of the Mayor

60 Pleasant Street

Newburyport, MA 01950

Phone: 978-465-4413 • Fax: 978-465-4402

To: President and Members of the City Council

From: Peter Lombardi, Director of Policy and Administration

Date: April 28, 2015

Re: AFSCME Negotiations – Tentative Agreement Details

To follow up on Mayor Holaday's memo dated April 21, 2015, below are the details of the agreement that has been reached in principle for FY16-FY18 with the AFSCME bargaining unit, Local 939. The City has agreed to the terms contained herein subject to appropriation by the City Council. The Local 939 voted to ratify the terms of this agreement on April 25, 2015.

The wage considerations for FY16 have been accounted for in the Mayor's Proposed FY16 Annual Operating Budget.

BOTH PARTIES TENTATIVELY AGREE TO:

Article V- Work Week

Add new language #8 in Fire Dispatchers / Police Dispatchers Section (reflects current practice):

"The normal work week for Police Dispatchers will be based on a 4 and 2 schedule. The normal work week for a Police Dispatch supervisor will be based on a 5 and 2 schedule. Management may, upon consultation with and agreement by the union, change these schedules for any newly created positions in Police Dispatch. Furthermore, any changes to or additions of Administrative Days Off (ADO's) will only be implemented upon bargaining with the union."

Language changes in Library Hours Section noted as strikethroughs or in bold (reflects current practice):

3. "The Library will be closed the Saturday of Memorial Day weekend and the Saturday of Labor Day weekend.

4. "...There will be a rotating staff of at least eight union employees required to work Sundays in alternating groups of four."
6. "Library employees shall be assigned to new times of work on a voluntary basis. Should there be no volunteers; employees will be assigned on a rotating basis by **inverse** seniority."

Article VIII - Overtime

Language changes in Section A in bold:

"An employee not at work for their full shift because of personal, sick or vacation leave shall not be called for overtime work until all other employees have been offered the opportunity to work said overtime assignments and when an employee who has been on sick leave does report to work other than his/her regularly scheduled work hours, said employee will be paid at straight time rate for the first eight (8) hours. If at the end of the first eight (8) hours, the employee called in is working hours other than his/her normal work hours, said employee shall be paid at the rate of one and one half (1 ½) times his/her regular rate of pay until the start of his/her normally scheduled work hours. **An employee not at work for a full shift because of sick leave shall not be called for overtime work except in an emergency in which case management can use its discretion."**

"Employees called in to work for an emergency call out on weekdays shall receive a minimum of three (3) hours pay at the premium rate of one and one half (1 ½) times their straight time rate. In addition, employees called in for an emergency any time after **3:00PM on Friday through 6:59AM Monday**, or on a Holiday (Article X) shall receive a minimum of four (4) hours of premium rate. Employees shall be released as soon as the senior DPS personnel on site or incident commander deem the emergency resolved and work completed."

Language changes in Section C noted as strikethroughs and in bold (reflects current practice):

- c. "Library employees **who are scheduled to, or** voluntarily attend programs and workshops outside their regular work week will receive credit time **at straight time.**"

Add new Section D:

"In the event that the Governor declares a state of emergency and the Mayor determines that non-essential personnel are not required to report to work due to a weather related emergency, those DPS employees who are required to work shall be immediately placed on overtime regardless of scheduled hours and shall remain on overtime until the state of emergency ceases or until non-essential employees return to work, whichever occurs sooner."

Article IX Vacations

Language changes in subsection b of Section B(3) in bold:

"Floating days must be requested to the Department Head a minimum of **one (1)** working day prior to the beginning of the vacation day or vacation period."

Delete "and if the employees has two (2) years of service" from subsection 5(c) - employers are legally required to pay employees who resign for all accrued vacation time, regardless of their years of employment

Language changes in last sentence of second paragraph in subsection 5(c) in bold:

"Should the request for carryover be for the purpose of extending next year's vacation beyond **one week** said request should so state."

Create scale and/or examples to clarify current vacation procedure.

Article XII – Sick Leave

Language changes in Section A in bold:

"Existing employees as of June 30, 2015 shall continue to be credited with one (1) day per month with accumulation to one hundred and eighty (180) days with a maximum buyback of seventy-five (75) days based on one hundred fifty (150) accumulated days. Effective July 1, 2015, new employees shall be credited with one (1) day per month with accumulation to one hundred and eighty (180) days but shall not be eligible for any sick leave buyback."

Add the following paragraph to Section C:

"Employees with ten (10) or more years of service shall be eligible to buy back fifty percent (50%) of their sick leave accrual, up to a maximum of twenty-five (25) days per year, with each such day valued at ninety percent (90%) of their then current daily rate; provided, however, that employees who exercise this option must retain at least fifty (50) sick leave days of their accrued credit. Any sick leave days bought back pursuant to this section shall be deducted from the sick leave balance available for buyback upon retirement or death. The maximum sick leave buyback for each employee's entire career working for the City is capped at 50 days. This buyback plan is voluntary."

Article XIV- Miscellaneous

Change Section 6 (heat days) to read as follows:

"When the heat index at the DPW building reaches 110 (eg. 92 degrees and 67% humidity), outdoor employees will be called to come work indoors (preferably in an air-conditioned space)."

Add new #18: (memorializes the current practice)

"If an employee maintains a particular license and utilizes it in the course of his/her duties working for the City, s/he will receive an annual \$500 stipend, payable in the first pay period in December, as long as the license is above and beyond what is required by the current position job description and is approved by a supervisor. A list of current applicable licenses is included as an appendix to this contract. Stipends for any new specialized licenses will be reviewed and considered by the Labor Management Committee. To the greatest extent possible, work requiring these licenses will be conducted on straight time and will not be compensated with additional overtime pay."

Add new #19:

"Fire Dispatchers will be paid an annual \$250 stipend for attaining and maintaining their EMT certification, payable in the first pay period of December."

Add new #20:

"All employees are required to participate in a mandatory direct deposit program."

Article XVIII – Longevity

Language changes in bold:

"Eligible employees will be paid longevity increments in the following amounts in a lump sum as a separate check with the first paycheck issued in the month of December. **For the purposes of longevity, years of service shall be calculated based on an eligible employee's anniversary date. Longevity shall be earned on a calendar year basis and shall be paid on a pro-rated basis to employees who retire or resign from City service prior to the first pay period in December. Employees who leave the City for other reasons shall not be entitled to any longevity payment for that year.**"

Add table to clarify current practice:

Hire Date	Years of Continuous Service			
	<u>5 Years</u>	<u>10 Years</u>	<u>15 Years</u>	<u>20 Years</u>
Pre 07/01/95	\$ 1,381.88	\$ 1,638.97	\$ 1,991.50	\$ 2,442.43
7/1/95 thru 06/30/02	\$ 690.94	\$ 819.49	\$ 995.75	\$ 1,221.22
Post 06/30/02	N/A	N/A	N/A	N/A

Article XIX- Clothing and Tool Allowance

Amend Trouser section in uniform table to make G&K optional.

Increase clothing reimbursement allowance from \$600 (FY15) to \$650 in FY16 and \$700 in FY18.

Article XXIII Duration

Contract term from July 1, 2015 to June 30, 2018.

Appendix B Wage Scale

FY16: Adjust all grades by 1%

Fire Dispatchers upgraded to a 4

Add 1 new full-time Custodian I position (Grade 6) and maintain 1 part-time
Custodian I position created this year (Grade 6)

Create a new Grounds Maintenance Working Foreman position (Grade 14)

1.75% COLA

FY17: Fire Dispatchers upgraded to a 6

Staff Librarian upgraded to a 14

Library Tech upgraded to an 6

Custodian II position (Grade 8) upgraded to a Building Maintenance Technician
(Grade 14)

1.75% COLA

FY18: Staff Librarian upgraded to a 16

(Carpenter) Working Foreman upgraded to an 18

2.0% COLA

Add the following language: "The Labor Management Committee will meet on a regular basis to conduct an internal review and evaluation of job descriptions, wage classifications, and salary comps for all positions by June 30, 2018."

Hello Mr. Cameron,

Sheila Taintor from Storm Surge has suggested that our students offer to present our work on sea level rise and storm surges to the Newburyport City Council. All of these students are seniors, so I am starting this process before I have them in class tomorrow. We just gave an abbreviated version of this talk at the SkillsUSA competition in Marlborough. One of the panel of judges was the owner of the Tribune, who had seen the Current article on the Storm Surge presentation by these same students. He was very impressed with their work.

The students use GIS mapping, Google Earth, and local images to show the change in water elevations from 2010 to 2100 for the North Shore towns, particularly Newburyport. They also show the extent of worst case scenario hurricane storm surges on this area. This is the situation that happened to New Jersey during Super Storm Sandy. They were excited by the response by the Storm Surge participants last Wednesday, and are hoping to present their data to more interested adults.

Thank you for your interest in our student's research.

Regards,

Ann Witzig, Environmental Technology Instructor
Essex Tech High School

April 22, 2015

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

Re: Health Insurance Benefit for City Councillors and School Committee Members

Dear Mayor Holaday,

Currently any City Councillor or School Committee member may elect to participate in the City of Newburyport Health Insurance program. It is a benefit with a value ranging from \$6,000 to \$18,000 per year depending on the type of coverage elected (single or family plan). This health benefit is in addition to the yearly salary of \$5,000 for Councillors and \$2,500 for Committee members.

This benefit is chosen by a small number of these elected officials and we feel it creates an inequitable situation. We would like you to consider the elimination of this benefit for School Committee members and City Councillors. It is our understanding that you, as the "Appropriate Public Authority" under M.G.L. c. 32B, § 2,¹ have the sole authority to eliminate this benefit.

We thank you for your attention to this matter. Please let us know if you have any questions.

Sincerely,

Councillor Thomas F. O'Brien, President
Councillor Robert J. Cronin, Ward Three

TFO/RJC/me

1. M.G.L.c. 32B, § 2. As used in this chapter the following words shall, unless the context clearly requires otherwise, have the following meanings:—
"Appropriate public authority", as to a county, except Worcester county, the county commissioners; as to a city, the mayor; as to a town, the selectmen; as to a district, the governing board of the district and for the purposes of this chapter if a collective bargaining agreement is in place, as to a commonwealth charter school as defined by section 89 of chapter 71, the board of trustees; and as to an education collaborative, as defined by section 4E of chapter 40, the board of directors.

**APPOINTMENTS
FIRST READING**

END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

**APPOINTMENTS
SECOND READING**

MAYOR'S APPOINTMENTS
May 11, 2015
SECOND READING

APPOINTMENTS

1. Constance Maass 4 Smith Street Bartlet Mall Commission February 1, 2018

In City Council April 27, 2015

Motion to approve the consent agenda by Councillor Tontar, seconded by Councillor Connell. So voted.

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 11, 2015

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 or easements to the City on the so-called Wine property (subdivided as the "Hamilton Estates" Open Space Residential Development), said land identified as follows:

1. The land in Newburyport, Essex County, Massachusetts, being shown as the "Open Space Parcel" for "Exclusive Use in Favor of City of Newburyport" containing 0.706± acres (30,768± sq.ft.), on a plan entitled "Lot Layout Plan" for "Hamilton Estates" in Newburyport, MA, Prepared for: Dr. Douglas A. Wine & Debra Esteves Wine, Scale: 1" = 30', Date: April 5, 2010" being Sheet 2 of 7 on said plan.

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 or easement to the subject land, for the purposes of athletic field construction behind the Nock-Molin School facility, and to take any other actions necessary to execute this acceptance accordingly.

Councillor Robert J. Cronin

ORDINANCES

CITY OF NEWBURYPORT



IN CITY COUNCIL

MAY 11, 2015

ORDERED:

A ZONING ORDINANCE TO ALLOW OFFICE USES IN THE BUSINESS PARK BY SPECIAL PERMIT

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

Zoning Ordinance Amendment:

APPENDIX A: ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

Section V-D - Table of use regulations.

Section V-D (Table of use regulations) is hereby amended as to Use Numbers 215 and 416 in districts I-1 and I-1B to read as follows:

2. INSTITUTIONAL/GOVERNMENT/MEDICAL

USE	NUM	I-1	I-1B
Medical Office Building	215	SP Plnng. Bd.	SP Plnng. Bd.

4. BUSINESS

USE	NUM	I-1	I-1B
Professional/Social Service	416	SP Plnng. Bd.	SP Plnng. Bd.

Section VI-A - General regulations.

Table of Dimensional Requirements

The Table of Dimensional Requirements of Section VI-A (General regulations) is hereby amended as to Use Numbers 215 and 416 in districts I-1 and I-1B, by adding the following text:

2. INSTITUTIONAL/GOVERNMENT/MEDICAL

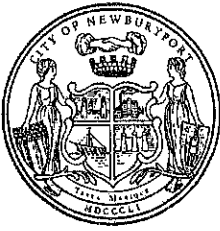
Use	Num.	District	Lot Area	Street Frontage	Height	% Lot Cov.	Open Space	Front	Side	Rear
Medical Office Building	215	I-1	20,000	90	40	50	NA	20	20	20
	215	I-1B	20,000	90	40	50	NA	20	20	20

4. BUSINESS

Use	Num.	District	Lot Area	Street Frontage	Height	% Lot Cov.	Open Space	Front	Side	Rear
Professional/Social Service/Offices	416	I-1	20,000	90	40	50	NA	20	20	20
	416	I-1B	20,000	90	40	50	NA	20	20	20

Councillor Jared J. Eigerman

CITY OF NEWBURYPORT



IN CITY COUNCIL

MAY 11, 2015

ORDERED:

A ZONING ORDINANCE AMENDING DEFINITIONS OF TWO-FAMILY AND MULTIFAMILY USES

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

Zoning Ordinance Amendment:

APPENDIX A: ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

Section V-E – List of allowable uses.

Appendix A to the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended, by amending subsection 1 (residential uses) of Section V-E (list of allowable uses), as to Use Numbers 102 and 103, by deleting the relevant rows in their entirety, and replacing them with the following text:

1. RESIDENTIAL		
USE	NUM	DESCRIPTION
Two-family	102	A residential building containing two dwelling units on the same lot entirely surrounded by open space, provided, however, that in all cases no fewer than two rooms of habitable space (as defined under the State Building Code) within each dwelling unit shall share a common wall, floor, or ceiling with no fewer than two rooms of habitable space within the other dwelling unit contained within the same residential building.
Multifamily	103	A building or portion thereof used for occupancy by three or more families living independently of each other and containing three (3) or more dwelling units, provided, however, that in all cases no fewer than two rooms of habitable space (as defined under the State Building Code) within each dwelling unit shall share a common wall, floor, or ceiling with no fewer than two rooms of habitable space within another dwelling unit contained within the same residential building.

Councillor Jared J. Eigerman

COMMITTEE ITEMS

BUDGET AND FINANCE

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 30, 2015

The Harbor Commission requests an update to the City of Newburyport Code of Ordinances with respect to the Harbor Masters department fee structure. The following changes are requested for implementation this boating season

Regarding the Central Waterfront docking fees:

Current Rates:

NEWBURYPORT PUBLIC DOCK FEES - CURRENT						
# of Hours	UNDER 20'	20 to 39	40 to 59	60 to 80	81 to 100	Day Rates Only
1	\$ 2.00	\$ 3.00	\$ 4.00			\$80
2	\$ 4.00	\$ 6.00	\$ 8.00			
3	\$ 6.00	\$ 9.00	\$ 12.00			\$120
4	\$ 8.00	\$ 12.00	\$ 16.00			
5	\$ 10.00	\$ 15.00	\$ 20.00			\$160
6	\$ 12.00	\$ 18.00	\$ 24.00			
7	\$ 14.00	\$ 21.00	\$ 28.00			\$200
8	\$ 16.00	\$ 24.00	\$ 32.00			
9	\$ 18.00	\$ 27.00	\$ 36.00			\$240
10	\$ 20.00	\$ 30.00	\$ 40.00			
Overnight (6PM to 10AM)	\$30	\$45	\$60			
2 NIGHT STAY	\$74	\$111	\$148			
3 NIGHT STAY	\$118	\$177	\$236			
Boats staying overnight will be charged the overnight rate plus the hourly rate for any hours before 6PM and after 10AM						
MAXIMUM 3 DAYS PER STAY						
GUEST MOORINGS \$25.00 PER DAY						
NO CHARGE FOR POWER/WATER						
EXTENDED STAY BEYOND 3 DAYS ONLY WITH HARBORMASTER'S APPROVAL						

BTF
RC/EC
DT

Requested & approved by the Harbor Commission proposed rates:

NEWBURYPORT PUBLIC DOCK FEES - Proposal March 2015						
# of Hours	UNDER 20'	20 to 39	40 to 59	60 to 80	81 to 100	Day Rates Only
1	\$ 10.00	\$ 10.00	\$ 10.00			\$120
2	\$ 15.00	\$ 14.00	\$ 15.00			\$150
3	\$ 18.00	\$ 18.00	\$ 20.00			\$180
4	\$ 19.00	\$ 22.00	\$ 25.00			\$210
5	\$ 22.00	\$ 26.00	\$ 30.00			\$240
6	\$ 25.00	\$ 30.00	\$ 35.00			\$270
7	\$ 28.00	\$ 34.00	\$ 40.00			\$300
8	\$ 31.00	\$ 38.00	\$ 45.00			\$330
9	\$ 34.00	\$ 42.00	\$ 50.00			\$360
10	\$ 37.00	\$ 46.00	\$ 55.00			\$390
Overnight (8PM to 10AM)	\$45	\$60	\$75			
2 NIGHT STAY	\$110	\$154	\$180			
3 NIGHT STAY	\$181	\$248	\$305			
Boats staying overnight will be charged the overnight rate plus the hourly rate for any hours before 8PM and after 10AM						
MAXIMUM 3 DAYS PER STAY						
GUEST MOORINGS \$25.00 PER DAY						
NO CHARGE FOR POWER/WATER						
EXTENDED STAY BEYOND 3 DAYS ONLY WITH HARBORMASTER'S APPROVAL						

The major change in the rates is the addition of a \$10. minimum fee for the first hour. This is standard in many of the surrounding communities and has been in practice in some communities for years. This fee will not be charged for a boater who is coming to the central waterfront for use as a short time transient tie up. The current ordinances allow for 20 minutes without a fee and we propose no changes with respect to that.

The Harbor Commission requests the following fee changes and additions:

- Cashman Park Usage Fee \$300.00 This fee will only be charged to "For-Profit" events. Non-Profit events will not be charged a fee
- Dingy Fee \$225.00 (increase from \$175.00)
- Plum Island Parking \$10.00 (increase from \$8.00)
- Fish Pier Docks \$1,200.00 (increase from \$900.00)
- Late Waterways Renewal Fee \$25.00 (applies after July 1)
- Waterways Permit \$4.00 per foot (Not to be implemented until FY-2016)

Councillor Charles F. Tontar



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

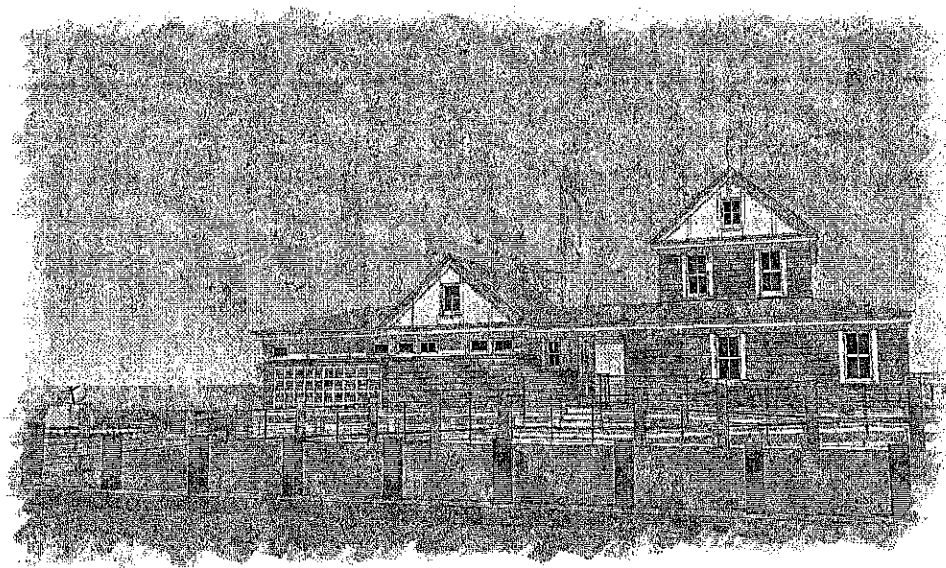
MEMORANDUM

TO: NEWBURYPORT CITY COUNCIL
FROM: GEORDIE VINING, SENIOR PROJECT MANAGER
SUBJECT: HARBORMASTER/VISITING BOATER FACILITY: FINAL DESIGN & CONSTRUCTION ADMIN. FUNDING
DATE: 4/7/15

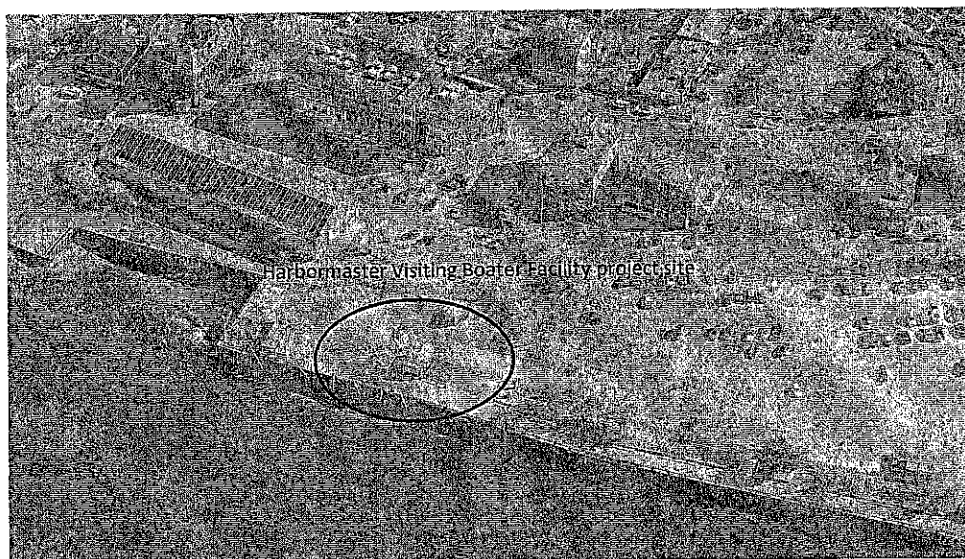
We are writing to respectfully request that the City Council approve allocation of \$18,000 from Free Cash to support completing design of the Harbormaster/Visiting Boater Facility project as well as anticipated construction administration. To date, design for this project has been supported by \$140,375 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.

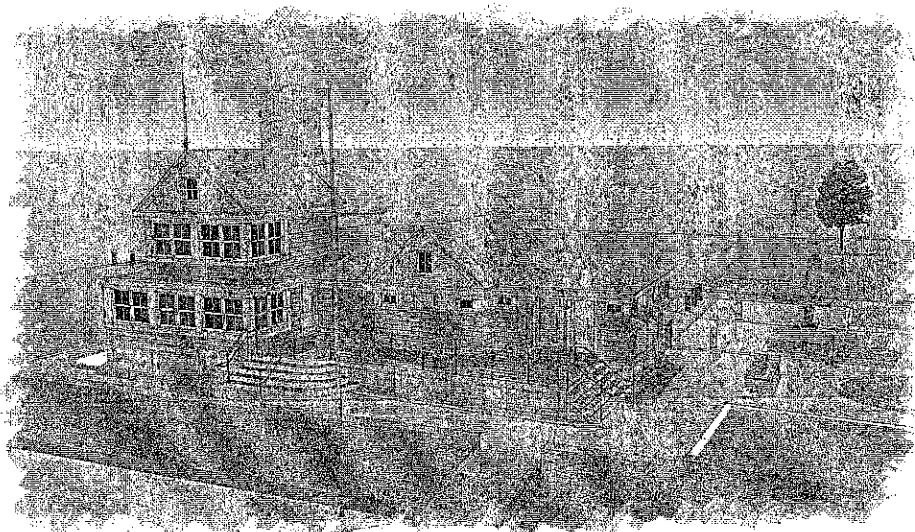
Last fall, the City applied in partnership with the Commonwealth's Division of Marine Fisheries for a nationally competitive federal Boating Infrastructure Grant of \$448,000 from the U.S. Fish & Wildlife Service to support the visiting boater aspect of the project. At the beginning of the month, we 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
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.

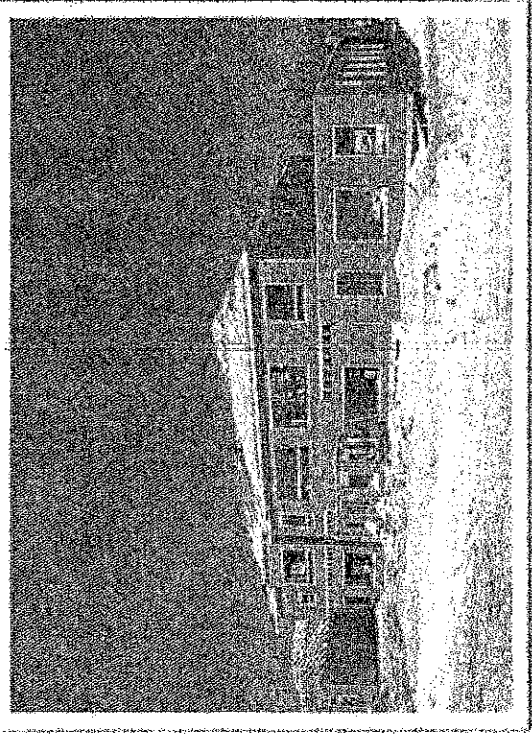
This document should be viewed as a tool to illustrate how effective a coordinated approach to capital planning can be in the acquisition of equipment or completion of significant infrastructure improvement projects. Additionally, the fact that the revised Charter requires

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CD

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.

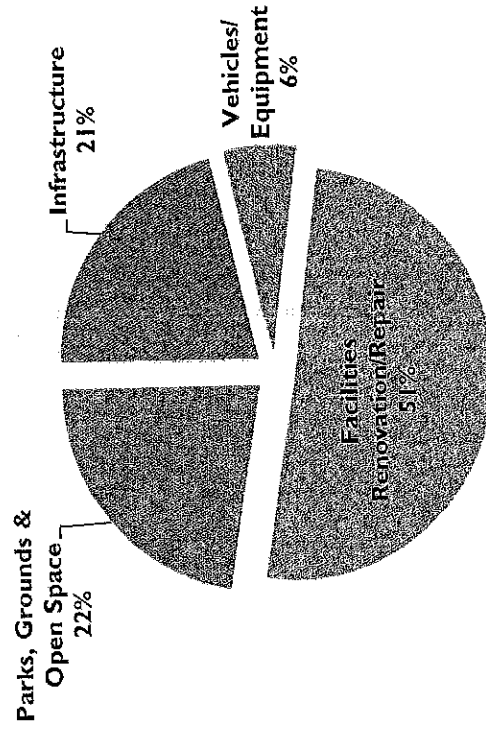
The graph illustrates that 51% of spending is for facilities renovation and repair. A significant addition to this CIP is the Parking Garage/Intermodal Facility Project, with an estimated project cost of \$12.5 million. Additional projects include the completion of the Bresnahan Elementary School and 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 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
Total General Fund	\$ 9,066,802	\$ 23,310,225	\$ 10,173,343	\$ 1,789,500	\$ 3,825,000	\$	\$ 48,164,870
Schools	15,161,904	240,000	532,500	-	-		15,934,404
Total General Fund with Schools	\$ 24,228,706	\$ 23,550,225	\$ 10,705,843	\$ 1,789,500	\$ 3,825,000	\$	\$ 64,099,274
Less: Grants, State Aid & Ex. Debt	(21,304,687)	(17,850,464)	(6,537,500)	(500,000)	(500,000)		(46,692,651)
Net Spending	\$ 2,924,019	\$ 5,699,761	\$ 4,168,343	\$ 1,289,500	\$ 3,325,000	\$	\$ 17,406,623
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
Total Enterprise Funds	\$ 2,790,250	\$ 5,039,243	\$ 7,334,000	\$ 975,000	\$ 975,000	\$	\$ 17,113,493
Total Capital Improvements	\$ 27,018,956	\$ 28,589,468	\$ 18,039,843	\$ 2,764,500	\$ 4,800,000	\$	\$ 81,212,767

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
	Fire Total		115,000	279,471	115,000	115,000	2,915,000	3,539,471
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
	Police Total		82,726	131,940	21,000	-	-	235,666
29	Parks	Bartlet 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
	Parks Total		1,414,518	5,177,280	3,247,343	415,000	30,000	10,284,141

CAPITAL IMPROVEMENT PROGRAM

Page	Department	Project Description	FY15	FY16	FY17	FY18	FY19	Five-Year 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
	Planning Total		5,934,783	15,815,609	5,362,500	100,000	-	27,212,892
52	Library	Carpet Replacement	12,275	-	-	-	-	12,275
53	Library	VOIP Phone System	-	16,425	-	-	-	16,425
	Library Total		12,275	16,425	-	-	-	28,700
54	Schools	Bresnahan 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
	Schools Total		15,161,904	240,000	532,500	-	-	15,934,404
58	Information Technology	IT Hardware	48,500	153,500	88,500	58,500	-	349,000
59	Information Technology	Copier/Scanners	-	-	10,000	10,000	-	20,000
60	Information Technology	Storage Area Network Device	-	-	-	40,000	-	40,000
	Information Technology Total		48,500	153,500	98,500	108,500	-	409,000

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
	Highway Total		1,459,000	1,736,000	1,329,000	1,051,000	880,000	6,455,000
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
	Water Enterprise Total		2,350,250	2,379,243	675,000	675,000	675,000	6,754,493

CAPITAL IMPROVEMENT PROGRAM

Page	Department	Project Description	FY15	FY16	FY17	FY18	FY19	Five-Year 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
	Sewer Enterprise Total		440,000	860,000	6,659,000	300,000	300,000	8,559,000
91	Harbormaster Entd	Transient Boaters & Harbormaster Facility	-	1,800,000	-	-	-	1,800,000
	Harbormaster Enterprise Total		-	1,800,000	-	-	-	1,800,000
	Grand Total		27,018,956	28,589,468	18,039,843	2,764,500	4,800,000	81,212,767

III. Project Detail Sheets by Department

(following pages)



Transfer #1
April 27, 2015

APPROVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
b7d

APR 21 P 1:23

City of Newburyport

FY 2015

BUDGET TRANSFER REQUEST

Department: School Department

Submitted by: Susan L. Viccaro

Date Submitted: 4/21/2015

Transfer From:

Account Name	School Expenses	YTD Bal:	\$ 8,600,254.36
Account Number:	01300002-53201	Trans In:	\$ -
Amount:	\$25,000.00	Trans Out:	\$ 25,000.00
Why are Funds Available:	<i>The FY2015 appropriation of \$25,148,813.00 for the Newburyport Public Schools included a \$50,000 contingency for the School Lunch Program. A previous transfer of \$25,000 was approved on February 23, 2015.</i>		

Transfer To:

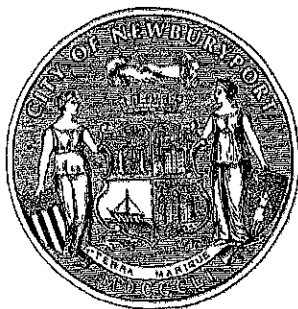
Account Name	School Lunch Program	YTD Bal:	\$ 56,030.39
Account Number:	22-49700	Trans In:	\$ 25,000.00
Amount:	\$25,000.00	Trans Out:	\$ -
Why are Funds Required:	<i>Contingency funds, budgeted for within the regular school budget, are needed to fund the School Lunch Program. The Finance Committee of the School Committee voted in favor of this transfer at their April 1, 2015 meeting. All interfund transfers require the approval of the Mayor and City Council.</i>		

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

Donna D. Holaday
Ethan R. Manning

Date: 4/21/15
Date: 4/21/15

697



CITY OF NEWBURYPORT, MASSACHUSETTS
Donna D. Holaday, Mayor

Office of the Mayor
60 Pleasant Street
Newburyport, MA 01950

Phone: 978-465-4413 • Fax: 978-465-4402

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: April 21, 2015

Re: AFSCME Negotiations – Tentative Agreement

After several months of contract negotiations, the City and AFSCME Local 939 have reached a tentative agreement regarding a new three-year collective bargaining agreement that is set to begin on July 1, 2015. The union has informational sessions planned for its membership on Thursday April 23, 2015, followed by a formal ratification vote that is scheduled to take place this Saturday, April 25.

I want to provide the Council with sufficient opportunity to review the new and amended terms and conditions contained in this proposed contract. I am also trying to avoid any premature public disclosure of what is currently only an agreement in principle. Accordingly, I plan to submit the specific details of this tentative agreement to the Council as soon as possible after a ratification vote in favor of the new contract has transpired, with the hope that the Council would consider approval of this new contract in time for any financial considerations contained therein to be incorporated into the FY16 operating budget submission due on May 11, 2015.



CITY OF NEWBURYPORT
FINANCE DEPARTMENT
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4404 • (978) 462-3257 (FAX)
WWW.CITYOFNEWBURYPORT.COM

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

APR 21 2015 P 1:24

DONNA D. HOLADAY
MAYOR

ETHAN R. MANNING
FINANCE DIRECTOR/CITY AUDITOR

To: President and Members of the Newburyport City Council
From: Ethan R. Manning, Finance Director/City Auditor
Date: April 21, 2015
Subject: Annual Audit of the City's FY 2014 Financial Statements

The certified public accounting firm of Melanson, Heath & Company has completed the annual audit of the City's FY 2014 financial statements. This audit must be performed by an independent CPA firm and is required by bond rating agencies, financial institutions, and various state and federal government entities. A copy of the audit is on file in the City Clerk's Office for your review.

The audit was conducted in accordance with auditing standards generally accepted in the United States and standards applicable to financial audits contained in the publication, Government Auditing Standards, issued by the Comptroller General of the United States. These standards require that the audit be performed to obtain a reasonable assurance that the City's financial statements are free of material misstatements. In addition, the audit assesses the accounting principles used and significant estimates made by City management.

The audit indicates that the City's Financial Statements and Schedule of Expenditures of Federal Awards, as required by OMB Circular A-133, are presented fairly, in all material respects, and are in conformity with accounting principles generally accepted in the United States of America.

The audit also includes a management report that contains recommendations for strengthening internal controls and operating efficiency. This is the second consecutive year that no new audit findings or recommendations for improvements were noted for FY2014 operations. This is a major accomplishment for the City and an indication that current financial management practices are working effectively.

However, while there were no recommendations made for the current fiscal year, Melanson, Heath & Company did provide a follow-up on prior year recommendations, the most notable being an improvement to the cash reconciliation process, which continues to be a material weakness within the Treasurer's office. As a result, the City is actively

working to address this recommendation during fiscal year 2015. Current year action steps include: 1) daily reconciliations between the Treasurer's and Auditor's offices to ensure consistency between the bank statements, cash book and general ledger, 2) researching and addressing all prior year and current year reconciling items as identified on the bank-to-book reconciliations, and 3) updating the City's cash receipts policy to ensure that all departments are providing timely and accurate turnovers of receipts.

In addition to addressing the cash reconciliation process, the outside auditors have made recommendations carried over from the prior year audit, which are not listed as material weaknesses, but suggestions for improving overall financial operations within the City. Many of these are currently being implemented and are detailed in the full management report available in the City Clerk's Office.

As you may be aware, the City established a Financial Policies and Procedures manual and continues to adapt the document to address many of the recommendations contained in the report. Additionally, given the inclusion of the Newburyport Contributory Retirement System as part of the City's annual audit, Melanson, Heath & Company was able to issue an unqualified or "clean" opinion of the City's FY2014 financial statements for the second year in a row.

Please feel free to contact me if you have any questions. A copy of the full audit report is on file in the City Clerk's Office.

PLANNING & DEVELOPMENT

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.

MOTION
TO
P&D
APR/CT
SV

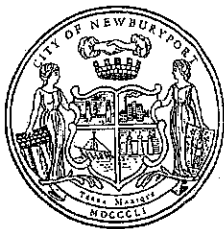


Storey Avenue Open Space



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.

MOTION
TO REPEAL
P&D
AR/LG

PUBLIC SAFETY

Russell & Babette Duttweiler

27 Dayton Street ♦ Lowell, MA 01852 ♦ 978-944-0646 ♦ rbdutt90@hotmail.com

RECEIVED
NEWBURYPORT, MA

2015 JAN 26 P 1:52

January 19, 2015

President O'Brien
Newburyport City Council
60 Pleasant Street
P.O. Box 550
Newburyport, MA 01950

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

I'm writing to you to request the use of the Brown Square area for Sunday, June 7, 2015. Our daughter, Victoria, is getting married on June 7 and having the reception in the Auditorium of Newburyport City Hall. We would like to use the Brown Square area for our guests to play lawn games, such as bocce and croquet, and enjoy light hors d'oeuvres between the ceremony which will take place at Maudsley State Park and the reception. The time for the use of Brown Square will be approximately 5:00-6:00 pm.

I look forward to meeting with you to discuss this further. Thank you for your consideration of our request.

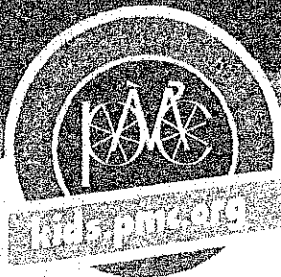
Sincerely,

Babette Duttweiler

Babette Duttweiler

sent
JMS
re: request
4/6/15

2015 FEB 19 A 9:22



Tara Mahon McQuaid
5 Silver Ledge Road
Newbury, MA 01951

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

February 10, 2015

Dear City Council Members,

I am writing to you to request authorization to hold the **4th Annual Pan Mass Challenge Greater Newburyport Kids Ride** in Newburyport on Sunday, June 28, 2015. The event would take place between 9am-1pm and involve the Clipper City Rail Trail as well as Cashman Park (the basketball court area and the area between the basketball court and baseball field). Last year's event raised several thousand dollars for Dana Farber Cancer Institute while involving kids, their families, and volunteers in a very positive experience. In November 2014, the Pan Mass Challenge presented Dana Farber Cancer Institute with an unprecedented donation of **\$41,000,000.00** as a result of last year's fundraising efforts. This donation is funding innovative patient care and critical research which will bring us "closer by the mile" to a cure for cancer. We are proud to be "a spoke in the wheel" of the Pan Mass Challenge and would like to continue to support these efforts in our own community. Thank you for your consideration.

Respectfully,

Tara Mahon McQuaid
PMC Greater Newburyport Kids Ride Coordinator
(978)809-1241
tnmmcquaid@comcast.net

***Controlled Risk Insurance Company of Vermont, Inc.
(A Risk Retention Group)
Burlington, Vermont***

Professional/Commercial General Liability Policy

Additional Insured Endorsement

Named Insured: DANA-FARBER CANCER INSTITUTE, INC.

Effective Date: 01/01/2015

Policy No: DFCI-CRICO-C-GLPL-1397-2015

Endorsement No: E2-1593

Endorsement Effective Date: 06/28/2015

Policy Period: 01/01/2015 to 12/31/2015

Additional Insured: City of Newburyport

CITY OF NEWBURYPORT
CITY CLERK'S OFFICE
60 PLEASANT STREET
NEWBURYPORT, MA 01950

This Endorsement modifies the General Liability Policy.

I. Section III of the General Liability Policy, PERSONS INSURED, is amended for the purposes of this Endorsement only to include as an Additional Insured the person(s), organization(s) or entities set forth above, but only with respect to liability for "Bodily Injury" or "Property Damage" or "Advertising Injury" or "Personal Injury" caused by:

1. the negligence of the "Named Insured"; or
2. the negligence of others acting on behalf of the "Named Insured"

and, in either case of 1 or 2 above, only arising out of the Pan-Massachusetts Challenge Kids Ride event being held in the City of Newburyport, MA on June 28, 2015 from 5:00am to 4:00pm with proceeds benefitting Dana-Farber Cancer Institute.

As respects the Additional Insured only, Section I.C "LIMITS OF LIABILITY" is deleted and replaced with the following:

II. Limits of Liability

Regardless of the number of "Claims" made, "Suits" brought, "Insureds", persons injured, or persons asserting "Claims", the "Company's" liability is limited as follows:

- a. The limit of liability applicable to each "Claim" against the Additional Insured is \$2,000,000 (Two Million Dollars). That amount is the most the "Company" will pay for all "Damages" as well as all "Claims Expense" arising out of each "Event".
- b. The limit of liability applicable to all "Claims" against the Additional Insured is \$2,000,000 (Two Million Dollars). That amount is the most the "Company" will pay for all "Damages" as well as all "Claims Expense" arising out of all "Events" and arising out of all "Advertising Injury" and all "Personal Injury," combined.
- c. Subject to the limits of liability stated in a and b above, the most the "Company" will pay on behalf of the "Additional Insured" and the "Named Insured" combined for all "Damages" and all "Claims Expense" for any one "Claim" is \$5,000,000.

III. With respect to the "Additional Insured", the following additional exclusions apply:

This insurance does not apply to "Bodily Injury" or "Property Damage" occurring after:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured at the location of the covered operations has been completed; or
2. That portion of your work out of which the "Claim" arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as part of the same project.

The inclusion in this Endorsement of more than one "Insured" shall not operate to increase the limits of the "Company's" liability.

Should the above described policy be canceled before the expiration date thereof, the "Company" will endeavor to mail 30 days written notice to the "Additional Insured", but failure to mail such notice shall impose no obligation or liability of any kind upon the "Company".

All other terms and conditions of the policy shall remain unchanged by this Endorsement.

Terms appearing in quotation marks in this Endorsement shall have the same meaning as the definition of that term in the policy which this Endorsement modifies.

IN WITNESS WHEREOF the Company has caused this Endorsement to be signed by its duly authorized representative.

A handwritten signature in black ink, appearing to read "D. V. [unclear]", is written over a horizontal line.

RECEIVED
CITY OF NEWBURYPORT
2015 FEB 19 A 9 32

SPECIAL EVENT APPLICATION

SPECIAL EVENTS

Tel.

Fax.

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

NAME OF EVENT:

PMC Greater Newburyport Kids Ride

1. Date: Sunday, June 28 Time: from 9:00am to 12:00 pm

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

2. Location: Cashman Park and Clipper City Rail Trail

3. Description of Property: _____ Public ☒ Private _____

4. Name of Organizer: Tara Mahon MacQuarrie City Sponsored Event: Yes _____ No ☒

Contact

Person:

Address: 5 Silver Ledge Rd. Newbury, MA 01951 Telephone: (978) 499-4451

E-Mail: tmacquarrie@comcast.net Cell Phone: (978) 809-1241

Day of Event Contact & Phone:

5. Number of Attendees Expected: ~ 200

6. MA Tax Number: 04-2746912

7. Is the Event Being Advertised? YES Where? _____

8. What Age Group is the Event Targeted to? Ages 3-12

9. Have You Notified Neighborhood Groups or Abutters? Yes _____ No ☒ Who? _____

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

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

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

Performers _____ Dancing _____ Amplified Sound ☒ Stage _____

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

Other _____ Total # _____

Name of Carnival Operator: _____

Address: _____

Telephone: _____

D. Clean Up: # of additional trash receptacles required 1-2 # of additional recycling receptacles required 1-2

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

1 Standard # 1 ADA accessible

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____ ROAD RACE _____ WALKATHON _____ Bike Ride ✓

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

Pan Mass Challenge (PMC Kids Ride)

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

5 Silver Ledge Rd. Newbury, MA 01951 (978) 809-1241

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

4. Date of Event: Friday, June 28, 2015 Expected Number of Participants: ~ 130

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

6. Road Race, Parade or Walkathon Route: (List street names & attach map of route): Start at Cashman Park end of Chipper City Rail Trail, travel 1.1 mile length of rail trail, turn around at Parker Street end of rail trail and return to Cashman Park end of rail trail. Finish line in front of baseball field.

7. Locations of Water Stops (if any): _____

8. Will Detours for Motor Vehicles Be Required? possibly If so, where? Washington Street
There will be a police detail at the Washington Street crossing on rail trail to ensure safe crossing of participants.

9. Formation Location & Time for Participants: Cashman Park 9:00 am

10. Dismissal Location & Time for Participants: Cashman Park 1:00 am

11. Additional Parade Information:

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

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHAL

4 Green Street

FIRE CHIEF

Greenleaf Street

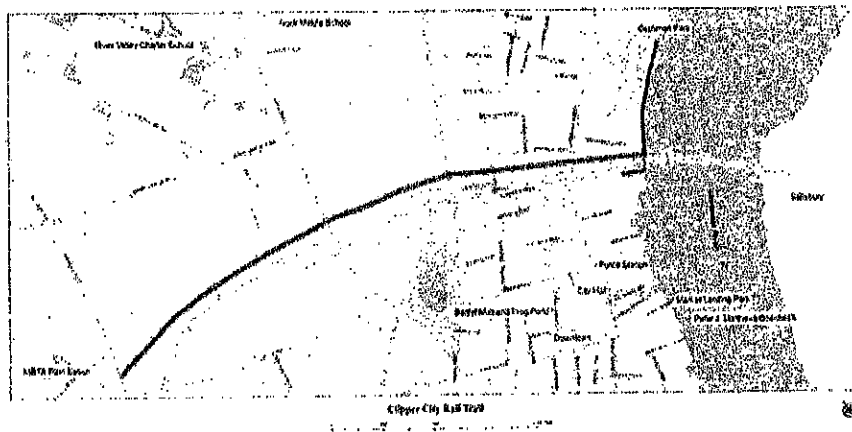
DEPUTY DIRECTOR

1 Perry Way

CITY CLERK

60 Pleasant St.

[Signatures]



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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, bloyole, 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: *Laura M. McQuaid* Date: *2/17/15*