

CITY COUNCIL MEETING AGENDA - VERSION 1

May 27, 2014

7:30PM

(Sound Check)

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

CONSENT AGENDA

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

7. APPROVAL OF MINUTES

May 12, 2014

(Approve)

8. TRANSFERS

1. Youth Services Sub. Abuse Gr \$15,000 to Drug Free Communities Gr. \$15,000 (Approve)
2. DPS RSV App DPW Gas \$23,000 to DPS Highway Fuel & Oil \$23,000 (Approve)

9. COMMUNICATIONS

1. Patriots for American Veterans Organization (PAVO) Walk for our Troops Oct.4, 2014 (PS)
2. Letter from Daniel Eyink, MD regarding water fluoridation (R&F)
3. Orange Leaf Frozen Yogurt use of Market Square June 28, 2014 (PS)

10. APPOINTMENTS-First Reading

- | | | Appointment | |
|-------------------|------------------|--------------------------|-----------------|
| 1. Judy Avery | 54 Milk Street | Cultural Council | June 1, 2017 |
| | | Re-Appointment | |
| 2. Katie Guildner | 7 Broad Street#2 | Moseley Woods Commission | January 1, 2017 |

END OF CONSENT AGENDA

REGULAR AGENDA

11. COMMUNICATIONS

11. LATE FILE Mayor's Update

12. APPOINTMENTS-Second Reading

- | | | Re-Appointment | |
|------------------|---------------------|-----------------------|----------------|
| 3. Andrew Casson | 240 Merrimac Street | Harbor Commission | March 31, 2017 |
| 4. James Knapp | 24 Cutting Drive | Harbor Commission | May 1, 2017 |

13. ORDERS

1. Community Preservation Recommendations FY2014
2. Acceptance of gift from Port Paint and Paper of \$1772
3. Revised Kelley School Order

14. ORDINANCES

1. Amend ORD Ch.13 Section 13-179 Waterfront Trust Lot Handicapped Parking
2. Amend ORD Zoning Section XII-B, Medical Marijuana treatment center
3. Amend ORD Zoning Section XII-B, Harbormaster Facility
4. Amend ORD Zoning Section III, Floodplain Overlay District
5. Amend ORD Zoning Section XXVII-E and F (downtown overlay district)
6. Amend ORD Zoning Section XXVIII, Demolition control overlay district
7. Pending Publication – 2nd Reading Amend ORD Sec. 13-136 Stop Intersections Russell Terrace Ext

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. Free Cash \$255,170.80 to Multiple-detail attached \$255,170.80 *05/12/2014
4. Free Cash \$238,241.30 to Snow & Ice Labor \$29,132.60, to Snow & Ice Expenses \$209,108.70 *05/12/2014
5. Insurance 32-B \$471,078.18 to School Expenses \$250,000, to Fire Overtime \$100,000, to DPS Streetlights \$120,000, to Retirement Appropriation \$1,078.18 *05/12/2014
6. Solid Waste Fee \$21,580.87 to Health Dept. Sal/Energy/Recycling Coord \$21,580.87 *05/12/2014
7. FY2015 Budget *05/12/2014
8. Order Home Rule Petition- supplementing education budget (COTW) *05/12/2014
9. Amend ORD Ch. 2 Section 2-45 City Council Salary *05/12/2014
10. Amend ORD Ch. 2 Section 2-61A School Committee Salary *05/12/2014

General Government

In Committee:

1. Intermunicipal Agreement Animal Control Services *05/12/2014

Joint Education

In Committee:

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

License & Permits

In Committee:

1. Movable Sign Application Newburyport Brewing Company *02/10/2014
2. Amend Ch.6.5, Article III Plastic Bags (NCS & COTW) *03/17/2014
3. Amend ORD Sec. 9-114 Transient Vendors Restricted Areas *04/28/2014

Neighborhoods and City Services

In Committee

1. Amend Ch.6.5, Article III Plastic Bags (L&P, COTW) *03/17/2014
2. Amend ORD Sec. 3-26-d Table of Designated Off Leash Areas *04/28/2014
3. Amend ORD Sec. 3-26 subsection e, Rules for Designated Off Leash Areas *04/28/2014
4. Market Basket Letter re: plastic bags *05/12/2014

Planning & Development

In Committee:

1. Letter from Newburyport Preservation Trust *03/31/2014
2. Order Kelley School – Surplus Property *04/15/2014
3. Order Collins Street *04/15/2014
4. Letter re: Collins Street *05/12/2014
5. Appointment Robert Uhlig, 10 Ocean St, Newburyport Redevelopment Authority (COTW) *05/12/2014
6. Revised Collins Street surplus Property Order *05/12/2014

Public Safety

In Committee:

1. Letter from Jessica Reines re: traffic Gypsy Lane *05/12/2014
2. All Women & 1 Lucky Guy ½ Marathon Sept. 14, 2014 *05/12/2014
3. Roadway and Sidewalk Update *05/12/2014

Public Utilities Committee

In Committee:

1. Stormwater Permitting Status Update *05/12/2014

Rules Committee

16. GOOD OF THE ORDER

17. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES - VERSION 1

May 12, 2014

Council President O'Brien called the meeting to order at 7:35 pm. A moment of silence was held for a fallen police officer in Brentwood, NH from a shooting and fire. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Tontar, Vogel, Cameron, Connell, Cronin, Eigerman, Giunta, Heartquist, Herzog, Kinsey and O'Brien. 11 present.

1. LATE FILES – Mayor's Communication #11, Communication #12, Appointments #12-16, Order #3 & #4
Motion to waive the rules and allow late files by Councillor Herzog, seconded by Councillor Cameron. 10 yes, 1 no (Cronin). So voted.

2. PUBLIC COMMENT

1) Lisa Valcich	City Hall Bus Mgr	Water & Sewer Commission Appts
2) Doug Locy	State Curbcut Mandate	Transfer #2
3) Leslie Eckholdt	36 Warren	NRA Appointment
4) Bill Squillace	Finance Director	Ethan Manning
5) Rob Germinara	2 Ashland Street	Ashland St Resident Parking

3. MAYOR'S COMMENT

The Mayor provided a brief slide presentation and the FY2015 Budget submitted to the Council.

CONSENT AGENDA

1. APPROVAL OF MINUTES

April 28, 2014

(Approve)

2. TRANSFERS

1. Auditor Ins. Claims \$1,155.70 to WTR Equip Maint. \$1,155.70

(Approve)

9. COMMUNICATIONS

1. Letter from Jessica Reines re: traffic Gypsy Lane

(PS)

2. Intermunicipal Agreement Animal Control Services

(Gen Gov't)

3. Roadway and Sidewalk Update

(R&F)

Removed by Councillor Cronin.

4. Stormwater Permitting Status Update

(PU)

5. All Women & 1 Lucky Guy ½ Marathon Sept. 14, 2014

(PS)

6. Youth Services Grant Summary application

(R&F)

7. Block Party 24 Hancock St. (partial street closure) May 24, 2014

(Approve)

8. Block Party Eagle Street June 21, 2014

(Approve)

9. Pension Investments

(R&F)

10. Market Basket Letter re: plastic bags

(NCS)

10. APPOINTMENTS-First Reading

		Appointment	
1. Robert Uhlig	10 Ocean Street	Newburyport Redevelopment Authority	March 1, 2017

Removed by Councillor Vogel.

		Re-Appointment	
2. Andrew Casson	240 Merrimac Street	Harbor Commission	March 31, 2017
3. James Knapp	24 Cutting Drive	Harbor Commission	May 1, 2017

END OF CONSENT AGENDA

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

REGULAR AGENDA

11. TRANSFERS

2. Free Cash \$255,170.80 to Multiple-detail attached \$255,170.80

Motion to refer to B&F by Councillor Herzog, seconded by Councillor Cameron. So voted.

3. Free Cash \$238,241.30 to Snow & Ice Labor \$29,132.60, to Snow & Ice Expenses \$209,108.70

Motion to refer to B&F by Councillor Cameron, seconded by Councillor Connell. 10 yes, 1 no (O'Brien). So voted.

4. Insurance 32-B \$471,078.18 to School Expenses \$250,000, to Fire Overtime \$100,000, to DPS Streetlights \$120,000, to Retirement Appropriation \$1,078.18

4. Insurance 32-B \$471,078.18 to School Expenses \$250,000, to Fire Overtime \$100,000, to DPS Streetlights \$120,000, to Retirement Appropriation \$1,078.18

Motion to refer to B&F by Councillor Herzog, seconded by Councillor Camerson. So voted.

5. Solid Waste Fee \$21,580.87 to Health Dept. Sal/Energy/Recycling Coord \$21,580.87

Motion to refer to B&F by Councillor Cronin, seconded by Councillor Connell. 10 yes, 1 no (O'Brien). So voted.

12. COMMUNICATIONS

3. Roadway and Sidewalk Update

Motion to table by Councillor Cronin, seconded by Councillor Heartquist. Motion withdrawn. Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Herzog. So voted.

11. LATE FILE Mayor's Update & FY2015 Budget

Motion to refer to B&F by Councillor Cameron, seconded by Councillor Cronin. So voted.

12. LATE FILE Letter re: Collins Street

Motion to refer to P&D by Councillor Cameron, seconded by Councillor Cronin. So voted.

11. APPOINTMENTS-First Reading

Appointment

1. Robert Uhlig 10 Ocean Street Newburyport Redevelopment Authority March 1, 2017

Motion to receive and file and refer to P&D and COTW by Councillor Vogel, seconded by Councillor Cameron. Roll call vote, 8 yes, 3 no (Connell, Herzog, O'Brien). Motion passed.

4. Ethan R. Manning 31 Howard Street City Auditor February 1, 2017

Motion to waive the rules and approve in one reading by Councillor Cronin, seconded by Councillor Vogel.

Roll call vote, 11 yes. Motion passed.

4. APPOINTMENTS-Second Reading

Appointment

5. Ethan R. Manning 31 Howard Street Finance Director February 1, 2017

Motion to approve 2nd reading by Councillor Herzog, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.

6. Kimberly Turner 27 High Street Parks Commission May 1, 2019

Motion to approve 2nd reading by Councillor Herzog, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion passed.

Re-Appointment

7. Jeffrey R. Tomlinson 21 Hill Street Highland Cemetery Commission February 1, 2017

8. Robert Dow 185 Storey Ave. Harbor Commission May 1, 2017

9. Douglas A. Muir 10 Hancock Street Conservation Commission May 1, 2017

10. Madeline Nash 19 Arlington St. Affordable Housing Trust February 1, 2016

11. Ellen Hanick 9 Hallisey Drive Bartlett Mall Commission May 31, 2017

Motion to approve 2nd reading of re-appointments #7-11 by Councillor Connell, seconded by Councillor Tontar. Roll call 11 yes. Motion passed.

12. APPOINTMENTS-First Reading

Appointment

4. Robert A. Cook 19 Everett Drive Water/Sewer Commission May 1, 2016

5. David Hanlon 68 Warren Street Water/Sewer Commission May 1, 2017

6. Roger E. Jones 37 Storeybrooke Dr. Water/Sewer Commission May 1, 2015

7. Edmund L. Kelley 24 Dorothy Luce Dr. Water/Sewer Commission May 1, 2017

8. John Tomasz 38 Storeybrooke Dr. Water/Sewer Commission May 1, 2016

Motion to approve Appointments #12-16 in one reading and waive the rules by Councillor Connell, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.

5. ORDERS

1. Revised Collins Street surplus Property Order

Motion to refer to Planning & Development by Councillor Cameron, seconded by Councillor Herzog. So voted.

2. FY2015 Budget Order

Motion to refer to Budget & Finance by Councillor Cronin, seconded by Councillor Herzog. So voted.

3. LATE FILE Order Home Rule Petition – supplementing education budget
Motion to refer to Joint Education and Budget & Finance by Councillor Heartquist, seconded by Councillor Kinsey.
Motion to amend by adding refer to COTW by Councillor Connell, seconded by Councillor Kinsey. 10 yes, 1 no (O'Brien).
So voted.

4. LATE FILE Bond Order CPC appropriation \$1,634,000
Motion to approve by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 recused (Eigerman).
Motion passed.

6. ORDINANCES

1. 2nd Reading Amend Amend Ord.13-136 Stop Intersections add Pond St. and Green St.
Motion to approve second reading by Councillor Cronin, seconded by Councillor Giunta. Roll call vote, 11 yes.
Motion passed.

2. 2nd Reading Amend Ord.13-180 Resident Parking Ashland St.
Motion to approve second reading by Councillor Tontar, seconded by Councillor Cronin. Roll call vote, 11 yes.
Motion passed.

3. 2nd Reading Amend Ord. Ch. 7 Sec. 7-4 Add Annual Master Box Connection Fee (PS)
Motion to approve second reading by Councillor Cameron, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.

4. 2nd Reading Amend Ord.13-136 Designated Stop Intersections Storey Ave
Motion to approve second reading by Councillor Giunta, seconded by Councillor Tontar. Roll call vote, 11 yes.
Motion passed.

5. Amend ORD Ch. 2 Section 2-45 City Council Salary
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Connell. Roll call vote, 7 yes, 4 no (Vogel, Cameron, Heartquist, Herzog). Motion passed.

6. Amend ORD Ch. 2 Section 2-61A School Committee Salary
Motion to refer to Budget & Finance by Councillor Cronin, seconded by Councillor Giunta. Roll call vote, 7 yes, 4 no (Vogel, Cameron, Heartquist, Herzog). Motion passed.

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. Mayor Capital Improvement Program *03/31/2014

Motion to remove by Councillor Tontar, seconded by Councillor Herzog. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. Withdrawn. Motion to adopt by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion approved.

General Government

In Committee:

1. Appointment: Leslie Eckholdt, 36 Warren St, Newburyport Redevel. Authority, May 1, 2019 *04/28/2014
- Motion to remove by Councillor Vogel, seconded by Councillor Connell. Motion to waive the rules and approve in one reading by Councillor Vogel, seconded by Councillor Connell. Roll call vote, 11 yes. Motion passed.

Joint Education

License & Permits

In Committee:

1. Movable Sign Application Newburyport Brewing Company *02/10/2014
2. Newburyport Lions Club Eyeglass Box *02/24/2014

Motion to remove by Councillor Heartquist, seconded by Councillor Herzog. So voted. Motion to approve location outside of library toward Harris Street by Councillor Heartquist, seconded by Councillor Connell. So voted.

3. Block Party Cherry Hill Soccer Field Parking Lot, May 31, 2014 *03/17/2014
Motion to remove by Councillor Heartquist, seconded by Councillor Cameron. So voted. Motion to receive and file by Councillor Heartquist, seconded by Councillor Cameron. So voted.

4. Amend Ch.6.5, Article III Plastic Bags (NCS & COW) *03/17/2014
5. Amend ORD Sec. 9-114 Transient Vendors Restricted Areas *04/28/2014

Neighborhoods and City Services

In Committee:

1. Amend Ch.6.5, Article III Plastic Bags (L&P, COW) *03/17/2014
2. Amend ORD Sec. 3-26-d Table of Designated Off Leash Areas *04/28/2014
3. Amend ORD Sec. 3-26 subsection e, Rules for Designated Off Leash Areas *04/28/2014

Planning & Development

In Committee:

1. Letter from Newburyport Preservation Trust *03/31/2014
2. Order Kelley School – Surplus Property *04/15/2014
3. Order Collins Street *04/15/2014

Public Safety

In Committee:

1. Amend Ord.13-136 Designated Stop Intersections Russell Terrace Ext *04/28/2014

Motion to remove by Councillor Cronin, seconded by Councillor Cameron. So voted. Motion to approve 1st reading and order published by Councillor Giunta, seconded by Councillor Cronin. Roll call vote, 11 yes. Motion approved.

Public Utilities Committee

Rules Committee

14. GOOD OF THE ORDER

Councillor Connell stated that there would be a meeting on Thursday regarding plastic bags in the Council Chambers.

Councillor Cronin stated that there would be a Parks Commission meeting on Thursday at 7pm .

15. ADJOURNMENT

Councillor Cameron moved to adjourn, seconded by Councillor Herzog at 9:10pm.

TRANSFERS



Transfer #1
May 27, 2014

City of Newburyport
FY 2014
BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2014 MAY 20 P 2:07

Department: Youth Services

Submitted by: Andrea Egmont

Date Submitted: 5/20/2014

Transfer From:

Account Name	Substance Abuse Grant	YTD Bal:	\$	15,000.00
Account Number:	01542007-57841	Trans In:	\$	-
Amount:	\$15,000.00	Trans Out:	\$	-
Why are Funds Available:	<i>This is part of the required 150% match the city is responsible for.</i>			
<i>The city is in year 9 of 10 years. The remainder of the match is done with in-kind funds.</i>				

Transfer To:

Account Name	Drug Free Communities Grant	YTD Bal:	\$	(48,632.30)
Account Number:	2501-49700	Trans In:	\$	-
Amount:	\$15,000.00	Trans Out:	\$	-
Why are Funds Required:	<i>To cover the city's share of costs associated with Year 9 of the DFC Grant</i>			
<i>The grant funds the work of the BEACON coalition including funding to the schools, police, youth organizations and prevention campaigns.</i>				

Donna D. Holaday, Mayor
William B. Squillace, Auditor
City Council Approval: (Stamp)

Donna D. Holaday
William B. Squillace

Date: 5/20/14
Date: 5/20/14



City of Newburyport
FY 2014
BUDGET TRANSFER REQUEST

Transfer #2
May 27, 2014

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA

Department: DPS Highway

Submitted by: Anthony J. Furnari, Director

Date Submitted: 5/20/2014

2014 MAY 20 P 2:07

Transfer From:

Account Name	<u>RSV APP - DPW GAS</u>	YTD Bal:	<u>\$ 167,228.93</u>
Account Number:	<u>2722-59600</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$23,000.00</u>	Trans Out:	<u>\$ 150,000.00</u>
Why are Funds Available:	<u>This is the standard method of funding for the DPS fuel and oil account.</u>		
<u>Departments pay for gasoline and the funds are deposited into this revenue account and then</u>			
<u>transferred to the fuel and oil expenditure account within the Highway budget to purchase more fuel.</u>			

Transfer To:

Account Name	<u>DPS Highway-Fuel and Oil</u>	YTD Bal:	<u>\$ 26,001.43</u>
Account Number:	<u>01421004-54801</u>	Trans In:	<u>\$ 150,000.00</u>
Amount:	<u>\$23,000.00</u>	Trans Out:	<u>\$ -</u>
Why are Funds Required:	<u>Funds are required to buy fuel that is used by city vehicles.</u>		

Donna D. Holaday, Mayor
William B. Squillace, Auditor
City Council Approval: (Stamp)

Donna D. Holaday
William B. Squillace

Date: 5/20/14
Date: 5/20/14

COMMUNICATIONS

Patriots for American Veterans Organization

May 13, 2014

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2014 MAY 13 P 1:33

The Office of Clerk of Council
City of Newburyport
60 Pleasant Street
Newburyport MA 01950

RE: Proposed PAVO Walk-the-Walk for our Troops Event - October 4, 2014

This letter is to request that PAVO – Patriots for American Veterans Organization be placed on the Newburyport City Council meeting agenda for May 27th 2014 for the purpose of gaining approval for a PAVO charity walk for our Troops event. This October 2014 event is a copy of a similar event previously approved by the Council and sponsored by PAVO this past April.


October 2014 Event Description


- Event: Walk-the-Walk for our Troops – walk at your own pace, approximately a 2 mile scenic walk along the waterfront and historic downtown Newburyport.
- Location: Starting and ending at the North End Boat Club, 1 Manson Ave, Newburyport MA
- Date: Saturday October 4th, 2014 with a Rain Date of Sunday October 5th, 2014
- Time: Registration from 9 to about 11AM at the Boat Club
- Entertainment: Live Music, Vendors, Raffles, Food at the Boat Club from approximately 1 to 4PM
- To Benefit: All proceeds from the event benefit our US Military Veterans.

We ask the Clerk of Council to place PAVO on the agenda from May 27th. Representatives from PAVO will attend to present and discuss the event.

Thank you for your attention in this matter.

Respectfully Submitted,

Frank Peluso 
PAVO President
978.376.5149
ciscopatriotsrider@yahoo.com


Steve Ruszczyk
Event Chairman
617.447.6802
smruszczyk@gmail.com

May 1, 2014

Newburyport City Councilors
60 Pleasant Street
Newburyport, MA 01950

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2014 MAY 15 A 8:58

Dear Newburyport Councilors:

I am writing to support the work of Health Roadhouse toward ending water fluoridation in Newburyport. As a physician here in Newburyport I have serious health and ethical concerns around the fluoridation of our water supply.

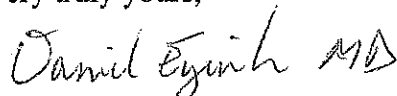
Fluoride is the only chemical added to drinking water for the purpose of "medication", whereas a chemical such as chlorine is added to actually treat the pathogens in the water for the public's safety. The Centers for Disease Control (CDC) states that "any benefits that accrue from the use of fluoride come from direct application of fluoride to the outside of teeth (after teeth have erupted in the mouth) and not from ingestion". There is no need therefore to expose all other tissues to fluoride by swallowing it, as fluoride imposes many risks to the health of our organs, including risk to brain, thyroid gland, and bones.

Chemicals used to fluoridate drinking water (fluorosilicic acid, sodium silicofluoride, and sodium fluoride) are industrial waste products from the phosphate fertilizer industry. Of these chemicals, fluorosilicic acid is the most widely used; it is a corrosive acid that has been linked to higher blood lead levels in children.

Over the past 50 years, there has been an increase in dental fluorosis, from less than 10 percent to over 30 percent of children, due to overexposure to fluoride from various sources. Other sources besides our drinking water include: fluoride dental products, fluoride pesticides, fluoridated pharmaceuticals and processed food made with fluoridated water.

As a healthcare provider in this community, I am against the fluoridation of our water and would like it eradicated from the water supply. Please see the non-profit Fluoride Action Network's website www.fluoridealert.org for detailed facts on this issue.

Very truly yours,



Daniel Eyink, MD
58 High Street
Newburyport, MA 01950
www.drDansNaturalHealing.com

May 27, 2014

Courtney Cray

35 Market Square • Newburyport, MA 01950 • Phone: 978-462-3400 • E-Mail: orangeleafnewburyport@gmail.com

May 20, 2014

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2014 MAY 20 P 2:53

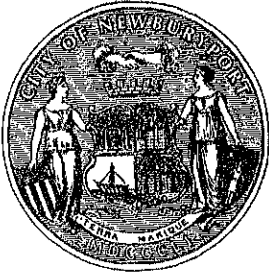
Dear City Council:

I am writing for approval to host Nbpt Brewing Co. outside of our business on June 28, 2014 for 3-4 hours in the afternoon. We are hosting our 2nd Birthday Party for our store, Orange Leaf Frozen Yogurt, and have invited them to come sample their special batch of root beer for the afternoon. This is a big family day here and brings lots of business to the city. I will follow any accordances and permits necessary. Thank you for your consideration.

Sincerely,

Courtney Cray
General Manager

APPOINTMENTS



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR
DONNA D. HOLADAY, Mayor

Appointment #1
May 27, 2014

60 PLEASANT STREET - P.O. BOX 15 P 1:24
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: May 14, 2014
Subject: Appointment

I hereby appoint, subject to your approval, the following
named individual as a member of the Cultural Council.
This appointment will expire on June 1, 2017.

Judy Avery
54 Milk Street
Newburyport, MA 01950

March 26, 2014

Dear Mayor Holaday,

I am interested in serving on the Newburyport Cultural Council. Ann Spraker made me aware of the possibility to become an active member of our Local Cultural Council. This beneficent group is familiar to me from being a past applicant for funding when I served on the Cultural Arts Committee of the Brown School and from being a community member enjoying our local Literary Festival and concerts.

As a former member of the Brown School Staff and PTO I know the importance of additional funding to the enrichment of students at our schools. The Massachusetts Cultural Council and our LCC have contributed to many extant Artist in Residence projects and to field trips to experience theater, history and science destinations. My current association with Newburyport volunteer organizations provides experience in working collaboratively to achieve stated goals and exposes me to the diverse talents and needs in our community.

I think Newburyport's recent designation as a Massachusetts Cultural District will attract more applicants to LCC grants and to the programs and projects that result. I have a great appreciation for the arts, humanities and sciences and for our community. I would like to have an opportunity to serve on the Newburyport Cultural Council and to play a part defining the unique place that we are. I hope that you will consider me for one of the open positions.

Sincerely,

Judy Avery

54 Milk Street

Newburyport, MA 01950-3016

978 462 1915

978 821 5942

978 462 1915
jujya@msn.com

Objective

Experience

- taught library skills to pre K- 4 grade students
- read to all classes and coordinated activities related to books
- ordered all library materials
- ran Scholastic Book Sales

- parent volunteer in classroom
- member of PTO (and served as President)
- chaired Cultural Arts Program

- Friends of the Library Board Member (served as Vice-President)
- co-chaired many events, e.g. Kids' Book Sales, Books in Bloom, retirement recognition f
past Head of Library, Grand Opening of new wing
- Expanded sales to include mass market accounts.

- Assistant Treasurer -current
- served as Treasurer
-

Education

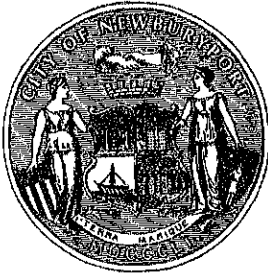
- UNH library science class
- Salem State Children's Literature course
- BER What's New in Children's literature with Dr. Peggy Sharp

1968–1972 Newton College of the Sacred Heart Newton, MA
• B.A., Studio Art

Interests

learning new things, reading, Newburyport Horticultural Society member, visiting museums, travel, driving folks to appointments, cooking and eating, walking

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

Appointment #2
May 27, 2014

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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

MAY 13 A 10:59

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: May 13, 2014

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Moseley Woods Commission. This term will expire on January 1, 2017.

Katie Guildner
7 Broad Street #2
Newburyport, MA 01950



END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

APPOINTMENTS
SECOND READING

MAYOR'S APPOINTMENTS
May 27, 2014
SECOND READING

Re-Appointment

3.	Andrew Casson	240 Merrimac Street	Harbor Commission	March 31, 2017
4.	James Knapp	24 Cutting Drive	Harbor Commission	May 1, 2017

In City Council May 12, 2014

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

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 27, 2014

That the City Council appropriates or reserves from the Community Preservation Act FY 2015 estimated revenues, in accordance with the provisions of M.G.L. Chapter 44B, the following projects, based upon the Community Preservation Committee's recommendation, to spend a total of \$800,000.00. Each project listed below shall be considered a separate appropriation.

No.	Project Title	Requested Amount	Category	Recommendation
1	Open Space Reserves	\$100,000	Open Space	\$50,000
2	YWCA Roof	\$54,000	Community Housing	\$54,000
3	Belleville Church Restoration	\$30,000	Historic Resource	\$15,000
4	Clipper City Rail Trail	\$140,000	Open Space	\$115,000
5	Down Payment Assistance	\$100,000	Community Housing	\$75,000
6	Affordable Housing Trust	\$400,000	Community Housing	\$220,000
7	Inn Street Fountain	\$75,000	Historic Resource	\$50,000
8	Green Street Trees	\$39,670	Historic Resource	\$21,000
9	FRS Steeple Restoration	\$226,270	Historic Resource	\$200,000

Further, that the City Council appropriates or reserves from the Community Preservation Fund Balance, in accordance with the provisions of M.G.L. Chapter 44B, the following projects, based upon the Community Preservation Committee's recommendation, to spend a total of \$436,006.26. Each project listed below shall be considered a separate appropriation.

No.	Project Title	Requested Amount	Category	Recommendation
10	NHS Exterior Woodwork	\$100,000	Historic Resource	\$100,000
11	Atkinson Common Tree Restoration	\$44,950	Historic Resource	\$15,000
12	City Hall Debt	\$189,187.50	Historic Resource	\$189,187.50
13	Open Space Debt	\$119,818.76	Open Space	\$119,818.76
14	Administrative Costs	\$12,000	Administrative Expenses	\$12,000

Councillor Charles F. Tontar

**NEWBURYPORT COMMUNITY PRESERVATION COMMITTEE
RECOMMENDATIONS FOR FY15 APPROPRIATIONS AND RESERVATIONS**

The Newburyport Community Preservation Committee recommends that the City Council appropriate or reserve \$1,236,006.26 from Community Preservation Fund Revenues for the projects, in the amounts, in the categories, and subject to the conditions hereinafter described.

The following CONDITIONS are common to recommended projects #1 through #11:

- A. Each recipient of funds is required to submit to the CPC a written report on the status of the project by each October 15, January 15, April 15 and July 15 following appropriation and until final completion of the project.
- B. If a project is not completed within twelve (12) months of appropriation, the grantee must submit a written request to the CPC for an extension of the grant. Otherwise, funds may be subject to recision and returned to Community Preservation Fund Reserves (applicable to appropriations, not to reservations).
- C. Full funding is conditioned upon the receipt of state matching funds, estimated to be 23% of local revenue, expected in October 2014.

Attached are:

- 1. One page summary spreadsheet of CPC recommendations.
- 2. Recommendations for appropriation or reservation numbers 1-14, with project summaries for each.
- 3. Criteria for project evaluation adopted and published by the CPC.

Estimated Community Preservation Fund Revenues available for appropriation or reservation in FY 2015 total approximately \$1,243,564. This figure includes estimated receipts of the local CPA surcharge through fiscal year end 2014, accumulated interest, the anticipated 23% state matching funds to be received in October 2014, current uncommitted funds and returned funds from completed and closed-out projects.

Applications for all projects are available for review in the Office of Planning and Development.

Respectfully submitted by:

Community Preservation Committee Members

Judith Grohe, Chair
Paul Healy
Daniel Koen
Robert Uhlig

Michael Dissette, Vice Chair
Don Little
Linda Smiley
Jane Healey

PROJECT NO. 1 OPEN SPACE RESERVE

The CPC recommends the reservation of \$50,000 from the FY 2015 Estimated Revenues to the Community Preservation Open Space Reserve Fund. Use of reserve funds are subject to future CPC recommendation and City Council appropriation for specific projects.

The CPA category for this reservation is Open Space.

Project Summary

This recommendation is in response to an application from the City's Open Space Committee indicating there are potential opportunities for open space acquisitions and/or conservation restrictions of land. These potential projects require confidentiality. Supplemental information will be submitted as individual projects enter more public phases and are presented to the CPC and the City Council for project specific funding from the reserve. Continued savings will better enable the City to make timely responses and attract acquisition partners to open space opportunities as they arise.

PROJECT NO. 2 YWCA WOMEN'S RESIDENCE ROOF REPLACEMENT

The CPC recommends the appropriation of \$54,000 from the FY 2015 Estimated Revenues to the Greater Newburyport YWCA for the replacement of the existing roof on the rear portion of the building and add "ice breaks" to the new roof on the front portion of the building.

The CPA category for this reservation is Community Housing

Project Summary

The YWCA is committed to keeping the rents of this building affordable to the women who reside there. Affordable rents barely cover the operating costs of the housing and do not provide any additional reserves to cover the cost of major capital repairs or improvements. In order for the YWCA to continue to offer affordable rental opportunities for the residents at 13 Market Street, the organization relies upon grant funding to support major capital repairs and improvements. This funding will allow the organization to repair the roof and also create a safer environment for both the residents and the community during the winter months with the installation of the "ice breaks."

PROJECT NO. 3 BELLEVILLE CONGREGATIONAL CHURCH RESTORATION PROJECT

The CPC recommends the appropriation of \$15,000 from the FY 2015 Estimated Revenues to the Belleville Congregational Church to restore and paint the East, West, and North façades of the Meeting House. This appropriation is made with a condition that CPA funding be used solely for the painting of the façades and any associated carpentry and construction work necessary to prepare said façades for paint.

The CPA category for this project is Historic Preservation.

Project Summary

The Belleville Congregational Church has served the community in many ways – as a place of religious worship and also as a community space that hosts a variety of cultural events throughout the year. The congregation has made significant strides in fundraising for capital improvements, which is supported by this recommended appropriation. Funding shall be utilized to strip, scrap, and sand the exterior wood surfaces of the Meeting House and the subsequent application of an oil-based prime coat. These efforts will not only improve the external appearance of the structure, but also help to guard against weather-associated deterioration of this historic structure.

PROJECT NO. 4 CLIPPER CITY RAIL TRAIL AND HARBORWALK, PHASE II

The CPC recommends the appropriation of \$115,000 from the Community Preservation Fund Balance to the City of Newburyport through its Office of Planning and Community Development to support the completion of the final design phase as well as fund the construction administration costs for Phase II of the Rail Trail.

The CPA category for this appropriation is Recreation and Open Space.

Project Summary

The City of Newburyport has been working on the Clipper City Rail Trail for well over a decade, but conversion of the old Eastern Line railroad corridor into a multiuse, recreation trail was finally completed 2010. This first phase of the Rail Trail Project now allows people to walk, run and bike between the commuter rail station and the Merrimack River.

Phase II of the Rail Trail will extend 1 ½ miles between the eastern edge of Newburyport's central waterfront and Parker Street in Newbury, travelling along the shoreline of the Merrimack River, through the South End residential neighborhood, and through a woodland. The trail will primarily run along the corridor of the old City Branch Rail Line. This funding will support the completion of the design phase, which involves permitting, consultation with abutters and the public, negotiation with National Grid, design, specifications and cost estimates and develop a "shovel-ready" project. Design completion is necessary in order to apply for construction funding.

PROJECT NO. 5 DOWN PAYMENT ASSISTANCE AND MLS INPUT-ONLY LISTING SERVICES

The CPC recommends the appropriation of \$75,000 from the FY 2015 Estimated Revenues to the Newburyport Affordable Housing Trust (NAHT) to support its Down Payment Assistance and its Multiple Listing Services (MLS), Input-Only, Listing Services programs.

The CPA category for this project is Community Housing

Project Summary

The NAHT designed and initiated both of these programs in an effort to retain the City's existing affordable housing inventory. The City's affordable units are at greater risk now than in the past in large part due to the downturn in the housing market and accompanying economic crash, which resulted in both a smaller gap between market rate and affordable prices and a tightened lending climate that make it more difficult to attract qualified buyers of existing deed-restricted units.

The Down Payment Assistance Program helps lower income buyers who are able to afford monthly mortgage payments but do not have enough capital to pay the initial home purchase costs. The NAHT offers up to \$15,000 to each eligible buyer to put toward down payment and/or closing costs for the purchase of a deed-restricted resale unit. The assistance is considered a deferred payment loan and secured through a second mortgage.

The Multiple Listing Services Program (MLS) is offered to sellers of deed restricted units. The MLS reaches a broader pool of potential buyers than more traditional methods such as newspaper ads and the city website. The NAHT assumes a small flat fee for inputting the real estate listing on MLS on behalf of the seller, who in exchange agrees to extend the period of time during which the unit is marketed exclusively to income-eligible buyers.

PROJECT NO. 6 NEWBURYPORT AFFORDABLE HOUSING TRUST

The CPC recommends the appropriation of \$220,000 from the FY 2015 Estimated Revenues to the Newburyport Affordable Housing Trust (NAHT) to be placed in its Affordable Housing Trust Fund (the "Fund") so the NAHT may continue its efforts to support, develop and manage affordable housing for low and moderate income households

The CPA category for this project is Community Housing.

Project Summary

The NAHT has been entrusted by the community to watch over the Fund and judiciously allocate funding to projects and initiatives that promote affordable housing in Newburyport, educate the community on the benefits of having a diverse housing stock, and advocate for both public and private housing development projects that include affordable units. This funding will allow the NAHT to grow the Fund to allow for prompt action when affordable housing opportunities present themselves, in a similar way as when open space purchase opportunities arise. Funding may be used to prevent the loss of income-restricted units, support individuals and families in Newburyport with low to moderate incomes, and also to provide a local financial match for a housing development project.

PROJECT NO. 7 INN STREET FOUNTAIN AND INTERPRETIVE SIGNAGE

The CPC recommends the appropriation of \$50,000 from the FY 2015 Estimated Revenues to the City of Newburyport through its Office of Planning & Community Development to support the restoration of the Inn Street Fountain through the improvement and upgrade of the water filtration system, installation of artistic up-lighting, and creation and installation of interpretive historic signage conveying downtown Newburyport's story of urban renewal.

The CPA category for this project is Historic Preservation

Project Summary

The Inn Street Fountain is designated as a state-listed historic resource by the Massachusetts Historical Commission. This Inn Street focal point has been out of operation for several years due to excessive water usage and public concerns regarding water quality. This project will upgrade the fountain pump and filtration system with a full treatment, self-contained unit that recycles municipal water, thereby eliminating the concerns that led to the shutting down of the fountain. The project will also feature two to three interpretive signs that tell the story of the fountain and of Newburyport's urban renewal and downtown preservation efforts of the 1960s and 70s.

PROJECT NO. 8 GREEN STREET TREE RESTORATION PROJECT

The CPC recommends the appropriation of \$21,000 from the FY 2015 Estimated Revenues to the City of Newburyport through the Newburyport Tree Commission to restore Green Street's historic tree-lined streetscape. The initiative will be managed by the Commission in collaboration with the City's Tree Warden and the Department of Public Services.

The primary CPA category for this project is Historic Preservation.

Project Summary

The Tree Commission continues its efforts to restore and enhance the visual importance and uniqueness of Green Street as the principal entryway to downtown Newburyport by planting site-appropriate and diverse trees. In contrast to tree-lined High Street, the current Green Street tree-scape has suffered from years of deterioration. Recent restoration at Garrison Park and tree plantings alongside of City Hall and in front of the Police Station strongly demonstrate the positive impact of continuing a unified design and coordinated planting to extend this renewal further up Green Street.

The project has two phases, which will be completed as funding allows. Phase I will include the planting of 16 trees from Harris Street to Pleasant Street, which is expected to be completed in Spring 2014. Phase II includes the planting of 14 trees from High Street to Harris Street and Pleasant Street to Merrimac Street. The timing of this phase depends on funding availability with the goal to have it completed, if not in Spring 2014, then Spring 2015.

PROJECT NO. 9 FIRST RELIGIOUS SOCIETY MEETINGHOUSE AND STEEPLE PRESERVATION AND PAINTING

The CPC recommends the appropriation of \$200,000 from the FY 2015 Estimated Revenues to the First Religious Society Unitarian Universalist (FRS) to be used for the preservation and restoration of the steeple and meetinghouse windows and doors as well as maintenance and upgrades to the structures systems. This recommendation comes with the following condition:

- The applicant shall execute a Preservation Restriction on the exterior façade of the structure.

The CPA category for this project is Historic Resource.

Project Summary

The FRS' historic meetinghouse, with its majestic steeple has been a centerpiece of our city and over time, has been recognized as an outstanding example of Federal style architecture. The upkeep and maintenance of a building of this scale and historic importance are expensive propositions and because of its architectural and historical importance and civic prominence, community support is imperative. Funding shall be used to repair and/or replace in-kind exterior elements on both the steeple and the meetinghouse. This work shall be guided by *The Secretary of the Interior's Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.

**PROJECT NO. 10
EXTERIOR WOODWORK RESTORATION, PHASE II
AT
NEWBURYPORT HIGH SCHOOL**

The CPC recommends the appropriation of \$100,000 from the FY 2015 Estimated Revenues to the Newburyport Public Schools for Phase II of exterior woodwork rehabilitation project with the following condition:

- The applicant shall execute a Preservation Restriction on the exterior façade of the structure.

The CPA category is Historic Resource.

Project Summary

This project will rehabilitate and restore the exterior woodwork on the historic Newburyport High School. Age and exposure to weather have caused a variety of issues with the exterior woodwork, necessitating a well-planned historic restoration guided by *The Secretary of the Interior's Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.

The project is divided into four phases. This recommendation will be combined with \$150,000 in CPA funding from FY 2014 as well as a School Department budget item of \$80,000 to accomplish the first two phases of the project, which focus on the front façade of the structure. The north-facing façade is not only the most prominent portion of the building, but it is also the most urgent in need of rehabilitation and restoration.

**PROJECT NO. 11
ATKINSON COMMON HISTORIC LANDSCAPE PRESERVATION, PHASE II**

The CPC recommends the appropriation of \$15,000 from the FY 2015 Estimated Revenues to the Belleville Improvement Society to further implement their 2010 "Urgent Tree/Shrub Care and Replacement Project" to ensure the longevity of the existing trees, remove hazardous conditions and improve public safety for the visitors to this diverse heritage landscape.

The CPA category is Historic Resource.

Project Summary

The Belleville Improvement Society continues to diligently implement its plan address the overwhelming needs to protect and preserve this historic landmark. Preservation, restoration and repair of this natural resource are paramount to the continued use and enjoyment of this property on a cultural, recreational, artistic, athletic and educational basis. This funding will support the Society in its efforts to remove hazardous trees, prune existing vegetation and plant new trees so that this park will continue to be a beautiful and safe community amenity.

PROJECT NO. 12
CITY HALL BOND DEBT PAYMENT

The CPC recommends the appropriation of \$189,187.50 from the Community Preservation Fund Balance to the City of Newburyport for the eighth annual payment of interest and principal on the City Hall Restoration Bond.

The CPA category is Historic Preservation.

Project Summary

In December 2005, the City Council authorized issuance of a \$1,950,000 bond against future CPA revenue for the City Hall Restoration Project. Work on City Hall is now largely complete, though debt payments will continue through 2019. The CPC is advised that it is necessary to appropriate the debt service payments on an annual basis.

PROJECT NO. 13
OPEN SPACE ACQUISITIONS BOND DEBT PAYMENT

The CPC recommends the appropriation of \$119,818.76 from the Community Preservation Fund Balance to the City of Newburyport for the eighth annual payment of interest and principal on the Open Space Acquisitions Bond.

The CPA category is Open Space.

Project Summary

In December 2005, the City Council authorized bonding up to \$1,775,000 against future CPA revenue for open space acquisitions, including the Cooper North Pasture and the former Guilford properties. Under this authorization, the City Treasurer conservatively borrowed \$1,275,000 to fund the acquisition costs. Debt payments on the bond will continue through 2019. The CPC is advised that it is necessary to appropriate the debt service payments on an annual basis.

PROJECT NO. 14
CPA ADMINISTRATIVE COSTS

The CPC recommends the appropriation of \$12,000 from the Community Preservation Fund Balance to fund the Community Preservation Committee's expected administrative costs. These costs include a stipend for the CPC administration liaison position in the Planning Office, annual membership dues in the statewide community preservation coalition, and other recurring expenses including note taking at meetings, legal advertising, and city solicitor review of legal documents when necessary. Excess funds remaining in this account at the end of the fiscal year revert to general Community Preservation Funds.

The CPA category for this appropriation is Administration.

COMMUNITY PRESERVATION COMMITTEE

EVALUATION CRITERIA

The Newburyport Community Preservation Committee gives preference to proposals which address as many of the following general criteria as possible:

1. Eligible for Community Preservation Act (CPA) funding according to the requirements described in the CPA legislation (Chapter 44B of Mass. General Laws).
2. Consistent with the Master Plan, Open Space and Recreation Plan, Land Use and other planning documents that have received public scrutiny and input.
3. Preserve and enhance the essential character of the city.
4. Protect resources that would otherwise be threatened.
5. Serve more than one CPA purpose or demonstrate why serving multiple needs is not feasible.
6. Demonstrate practicality and feasibility, and that the project can be implemented within budget and on schedule.
7. Produce an advantageous cost/benefit value.
8. Leverage additional public and/or private funds (eg. qualify the project for additional grants from other sources) or receive partial funding from other sources and/or voluntary contributions of goods or services.
9. Preserve or improve utility of currently owned city assets.
10. Receive endorsement by other municipal boards or departments and broad-based support from community members.

CATEGORY SPECIFIC CRITERIA

The Community Preservation Act funds three key community interests: open space, historic preservation, and affordable housing. Public recreation projects may also be funded.

1. **Open Space** proposals which address as many of the following specific criteria as possible will receive preference for funding:
 - Permanently protect important wildlife habitat, particularly areas that include:
 - locally significant biodiversity;
 - variety of habitats with a diversity of geologic features and types of vegetation;
 - Endangered habitat or species of plant or animal.
 - Preserve active agricultural use.
 - Provide opportunities for passive recreation and environmental education.
 - Protect or enhance wildlife corridors, promote connectivity of habitat or prevent fragmentation of habitats.
 - Provide connections with existing trails, protected open space or potential trail linkages.
 - Preserve scenic views.
 - Border a scenic road.
 - Protect drinking water quantity and quality.
 - Provide flood control/storage.
 - Preserve and protect important surface water bodies, including streams, wetlands, vernal pools or riparian zones.
 - Buffer for protected open space, or historic resources.

2. Historic Preservation proposals which address as many of the following criteria as possible will receive preference for funding:

- Protect, preserve, enhance, restore and/or rehabilitate historic, cultural, architectural or archaeological resources of significance, especially those that are threatened.
- Protect, preserve, enhance, restore and/or rehabilitate city-owned properties, features or resources of historical significance.
- Protect, preserve, enhance, restore and/or rehabilitate the historical function of a property or site.
- Demonstrates a public benefit.
- Ability to provide permanent protection for the historic resource.

3. Affordable Housing proposals which address as many of the following criteria as possible will receive preference for funding:

- Contribute to the goal of 10% affordability as defined by chapter 40B of Mass. General Laws.
- Promote a socioeconomic environment that encourages a diversity of income.
- Provide housing that is harmonious in design and scale with the surrounding community.
- Intermingle affordable and market rate housing at levels that exceed state requirements for percentage of affordable units pursuant to chapter 40B.
- Ensure long-term affordability.
- Address the needs of range of qualified household, including very low, low and low-to moderate income families and individuals.
- Provide affordable rental and affordable ownership opportunities.
- Promote use of existing buildings or construction on previously-developed or city-owned sites.
- Convert market rate to affordable units.

4. Recreation proposals which address as many of the following criteria as possible will receive preference for funding:

- Support multiple recreation uses.
- Serve a significant number of residents.
- Expand the range of recreational opportunities available to city residents of all ages.
- Jointly benefit Conservation Commission and Parks Commission initiatives by promoting recreation, such as hiking, biking, and cross-country skiing.
- Maximize the utility of land already owned by city (e.g. school property).
- Promote the creative use of railway and other corridors to create safe and healthful non-motorized transportation opportunities.



CITY OF NEWBURYPORT
RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2014 MAY 20 P 12:14

IN CITY COUNCIL

ORDERED:

May 20, 2014

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude the gift in the amount of \$1,772.00 from Port Paint and Paper, 201 Merrimac Street, from Benjamin Moore's Main Street Matters program. In accordance with said program, these funds will be used to revitalize a community facility.

Councillor Robert J. Cronin

May 5, 2014

City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

To Whom It May Concern:

On behalf of Port Paint & Paper and Benjamin Moore Paints I would like to present this gift of \$1,772 to the City of Newburyport. The intent of this gift is that it be used in a project that revitalizes a community facility.

In 2013 Port Paint & Paper took part in a program with Benjamin Moore called "Main Street Matters." For every gallon of paint our store sold, Benjamin Moore donated a percentage to a community project that sustains the historic preservation of our community.

Please accept this gift on behalf of Port Paint & Paper.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jack Boland", with a large, stylized loop at the beginning.

Jack Boland
Owner, Port Paint & Paper
201 Merrimac Street
Newburyport, MA 01950
978-462-7252

BENJAMIN MOORE & CO.101 Paragon Drive
Montvale, NJ 07645**CHECK NUMBER 678203**

DATE	DESCRIPTION	GROSS AMOUNT	DISCOUNT	NET AMOUNT
12/16/13	12/16/13 DONATION <i>Port Paint + Paper</i>	1,772.00	.00	1,772.00
		1,772.00	.00	1,772.00

THIS DOCUMENT IS PRINTED IN TWO COLORS. DO NOT ACCEPT UNLESS BLUE AND BURGUNDY ARE PRESENT.

Benjamin Moore**BENJAMIN MOORE & CO.**101 Paragon Drive
Montvale, NJ 07645-1862

50-937213

No. **0000678203**Date **12/26/13**JPMorgan Chase Bank, N.A.
Syracuse, NY**PAY****TO
THE
ORDER
OF**NEWBURYPORT CITY HALL
60 PLEASANT STREET
NEWBURYPORT MA 01950

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 AUTHORIZED SIGNATURE

⑈0000678203⑈ ⑆021309379⑆ 6301408104509⑈

CITY OF NEWBURYPORT



IN CITY COUNCIL

May 19, 2014

ORDERED:

THAT pursuant to General Laws Chapter 40, Sections 15 and 15A the City Council of the City of Newburyport hereby designate the former Kelley School (*formally closed by the School Committee by vote of April 23, 2007, and now operating as the Newburyport Youth Services facility*) as surplus property, no longer needed by the City for such purposes or for other public purposes (*based upon the anticipated relocation of Newburyport Youth Services to the Brown School*), and further (*consistent with the April 7, 2014 vote of the School Committee*) that the Council hereby transfers the care, custody, management and control of said building and the land upon which it stands (*151 High Street, Assessors Map 35 Lot 161*) to the Mayor for the purposes of further conveyance, on such terms and conditions, and for such consideration, as the Mayor deems appropriate, provided that a condition of the sale or lease of said property shall be a duly recorded Preservation Restriction for the protection of the historic facades of said building, and provided that the City Council Planning and Development Committee shall have an opportunity to review and comment on the Request for Proposals (RFP) and Purchase and Sale (P&S) Agreement during the disposition process (including the minimum required bid and proposed purchase price, accordingly), and further that the proceeds from sale or lease of the property may be used, at the discretion of the Mayor, for either supplementing the School Department budget or for the purposes of funding capital improvements required at the Brown School necessary for the conversion of this facility to function (*in part*) as the Newburyport Youth Services facility. It is acknowledged herein that any further disposition (*lease or sale*) of the Brown School will be subject to transfer and approvals by both the School Committee and City Council, pending relocation of students and faculty to the new Bresnahan School.

Councillor Ed Cameron
Councillor Meghan Kinsey

ORDINANCE

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 27, 2014

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES.

Chapter 13 Traffic and Motor Vehicles
Article IV Specific Street Schedules
Division 6 Stopping, Standing and Parking
§ 13-179 Handicapped Parking

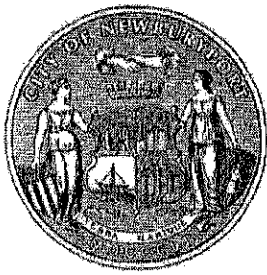
No person without a duly authorized handicapped vehicle registration or placard, as described in MGL, Chapter 90, § 2, shall park in the following described parking space as designated by signs and symbols:

Add:

Waterfront Trust Lot

First space on the northwesterly side of the Waterfront Trust Parking Lot upon entry from Merrimac Street.

Councillor Robert J. Cronin



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)

TO: **City Council & Council Planning & Development (P&D) Committee**

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

CC: **Donna D. Holaday, Mayor**
Peter Lombardi, Director of Policy & Administration
Planning Board

DATE: **May 20, 2014**

RE: **Various Zoning Amendments submitted to the Council for 5/27/14 Regular Meeting**

On this day the Office of Planning & Development is filing several proposed zoning amendments with the City Council for the upcoming meeting on May 27, 2014. We anticipate that the Council will refer these items to the Council's Committee on Planning & Development and to the Planning Board for the required Joint Public Hearing on proposed zoning amendments. In accordance with the Newburyport Zoning Ordinance (NZO) both boards are expected to conduct a detailed review of the proposals and report back to the full City Council with a final recommendation (either together or separately). The Office of Planning & Development has drafted each of these proposals (in whole or in part) in coordination with members of the Council, whose sponsorship is noted in the Orders accordingly.

While a detailed discussion of these proposed zoning amendments will be provided at the required Public Hearing we have summarized herein the intent and scope of each for your convenience. If you have any questions or concerns regarding these amendments please contact me at your convenience.

Summary of the Proposed Zoning Amendments

1. Permitting for Medical Marijuana Treatment Centers

As the Council may recall we have until June 30, 2014 to codify permitting provisions for so-called Medical Marijuana Treatment Centers (MMTC), allowed at the state level by voter approval in 2012, and now subject to additional review and approval by the Massachusetts Department of Public Health (DPH).

Generally communities across the commonwealth have begun to restrict MMTC by restricting their placement to locations far from schools, churches, public parks and residential districts. In light of Newburyport's layout and development patterns we are recommending that MMTC be

allowed only within a subset area within and adjacent to the Newburyport Business and Industry Park. Attached is a series of maps illustrating the two areas we are recommending at this time.

If adopted, a so-called MMTC would only be allowed within these two “zones” and any such facility would require Special Permit Approval from the Zoning Board of Appeals, subject to further conditions on the use, building and site design. These two subset areas may reduce the likelihood of such a proposed facility within Newburyport, and will as a minimum ensure that such a facility (if proposed and approved) has the least possible impact on “sensitive” areas of the City. The proposed “overlay” zoning would provide a permitting process for this new use in accordance with state law while addressing community concerns about the location of these facilities (which will for all intents and purposes look like any other manufacturing facility (building) within the Park. All existing zoning provisions would remain in place. This zoning amendment will simply allow (by discretionary review) another possible use for certain properties within the MMTC overlay district.

2. Harbormaster Facility – Use & Dimensional Requirements

As the Council is aware the Harbor Master, Harbor Commission and Office of Planning & Development have been working with an architectural firm to develop plans for the construction of a new Harbormaster Facility on the same site (approximately) as the existing shed building. The proposed zoning amendment would ensure that this necessary and desirable public facility will be allowed by-right on the central waterfront, and with minimal dimensional requirements (such as lot size and setbacks) necessary to avoid a Variance process for this important municipal project. Due to the small lot size of the subject property and lack of direct frontage on Water Street we have recommended a reduction in the baseline dimensional requirements.

3. Minor Amendment to FEMA/FIRM Map References

This proposed zoning amendment is a minor language amendment from the 2012 ordinance we recently adopted, to account for new 2014 Flood Insurance Rate Maps (FIRMs) issued by the Federal Emergency Management Agency (FEMA). There are no discernable differences in the flood hazard districts shown on these new maps compared to what FEMA made us adopt in 2012, so this is merely a “housekeeping” amendment.

4. Minor Amendments to Downtown Overlay District (DOD)

- A. Clarification that applications for signage within the DOD may be reviewed and approved through the Office of Planning & Development just like awnings, doors and windows. The current language is ambiguous and many businesses have become concerned that a Special Permit Hearing and weeks of delay are necessary for review of their signs. With the new change signage that meets the zoning ordinance requirements – including staff review and signoff – may be approved administratively. Anyone asking for relief from the sign standards would have to ask the ZBA for a Variance, just like any other proposed signage deviation.

- B. Allow the Office of Planning & Development and Planning Board to approve (on a case-by-case basis) the use of more durable sign foam or foam board (carved like wood and with a matte [non-gloss] finish) in lieu of wood signs which deteriorate more easily and require ongoing maintenance. In the first few weeks administering the DOD Ordinance we have seen this as a common (and reasonable) request for substitution, notwithstanding the Ordinance's prohibition on typical glossy "Plastic" signs.
- C. Adjust the 7-day requirement for the SPGA (Planning Board or ZBA) to hire consultants. The original 7-day requirement (from the date of application submission) unduly burdensome for the Boards and our Department. We have recommended that this new requirement be 7-days from the opening of a required Public Hearing on the subject application.

5. Minor Amendments to Demolition Control Overlay District (DCOD)

- A. Clarification that the only time in which the older "Demolition Delay" Ordinance applies within the boundaries of the DCOD is when someone is modifying a roofline, roof pitch or dormers, as this issue was left somewhat ambiguous in the original Ordinance.
- B. Adjust the 7-day requirement for the SPGA (Planning Board or ZBA) to hire consultants. The original 7-day requirement (from the date of application submission) unduly burdensome for the Boards and our Department. We have recommended that this new requirement be 7-days from the opening of a required Public Hearing on the subject application.

Recommendation

The Office of Planning & Development recommends that the City Council forward these zoning amendments to the Council's Committee on Planning & Development and to the Planning Board forthwith for the required Joint Public Hearing on proposed zoning amendments where a more detailed review and discussion will take place. Thank you in advance for your assistance.

CITY OF NEWBURYPORT



IN CITY COUNCIL

May 27, 2014

ORDERED:

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

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

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

Section V-D: Table of Use Regulations

Add the following:

Use	NUM	CON	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-1B	I-2	M	WMD	WM U
Medical Marijuana Treatment Center	217	NP	NP	NP	NP	NP	NP	NP	SP ^(h)	SP ^(h)	NP	NP	NP	NP

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

Section V-E: List of Allowable Uses

Add the following:

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

Section VI: Dimensional Controls

Table of Dimensional Requirements

Add the following:

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

Section V: Use Regulations

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

V-G: Medical Marijuana Treatment Centers

A. Purpose

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

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

B. Definitions

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

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

C. Establishment

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

1. All that portion of the I1B District North of Hale Street; and
2. All that portion of the I1 District South of Stanley Tucker Drive, North of Parker Street and West of Malcolm Hoyt Road.

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

Land within the MMOD may be used either for:

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

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

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

D. Permitting Procedure and Criteria

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

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

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

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

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

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

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

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

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

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

E. Decision and Conditions of Approval

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

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

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

- i. Hours of Operation
- ii. The permit holder shall file a copy of any Incident Report required under 105 CMR 725.110(F) with the Building Inspector, Director of Planning and Development, Director of Public Health, Police and Fire Departments and the SPGA within 24 hours of creation by the MMTC. Such reports may be redacted as necessary to comply with any applicable state or federal laws and regulations.
- iii. The permit holder shall file a copy of any cease and desist order, quarantine order, suspension order, order limiting sales, notice of a hearing, or final action issued by DPH or the Division of Administrative Law Appeals, as applicable, regarding the MMTC with the Building Inspector, Director of Planning and Development, Director of Public Health and SPGA within 48 hours of receipt by the MMTC.
- iv. The permit holder shall provide to the Building Inspector, Director of Planning and Development, Director of Public Health, Fire Chief and Police Marshal, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
- v. The special permit authorizing the establishment of a MMTC shall be valid only for the specific registered entity to which the special permit was issued, and only for the site on which the MMTC has been authorized by special permit. If the registration for the MMTC has been revoked by the DPH or if the

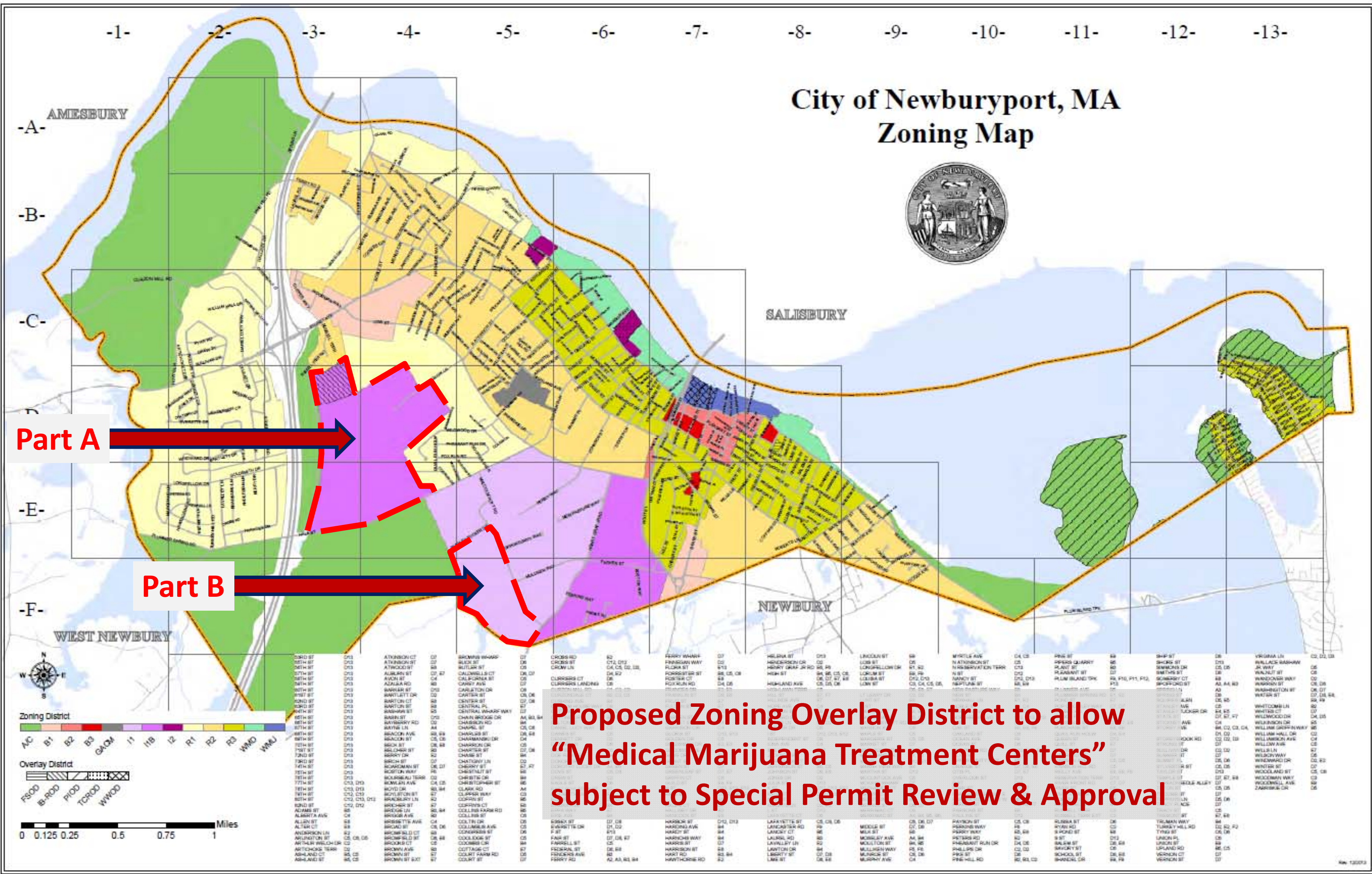
MMTC registration is to be transferred to another controlling entity, or is to be relocated to a different site within the MMOD, a new special permit shall be required.

- vi. An MMTC shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home deliveries to qualified clients pursuant to applicable state and local regulations.
- vii. The special permit shall lapse upon the expiration or termination of the applicant's registration by DPH.
- viii. The permit holder shall notify the Building Inspector, Director of Planning and Development, Director of Public Health, Fire Chief and Police Marshal and the SPGA in writing within 48 hours of the cessation of operation of the MMTC or the expiration or termination of the permit holder's registration with DPH.
- ix. The permit holder shall at all times comply with regulations regarding MMTCs promulgated by the Board of Health.
- x. The Police Department, Fire Department, Building Inspector and Director of Public Health shall have the right to inspect the subject premises to assure compliance with the special permit.
- xi. Prohibition Against Nuisances: No use or operation shall be allowed at any MMTC which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

F. Severability

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

Councillor Jared Eigerman



City of Newburyport, MA Zoning Map

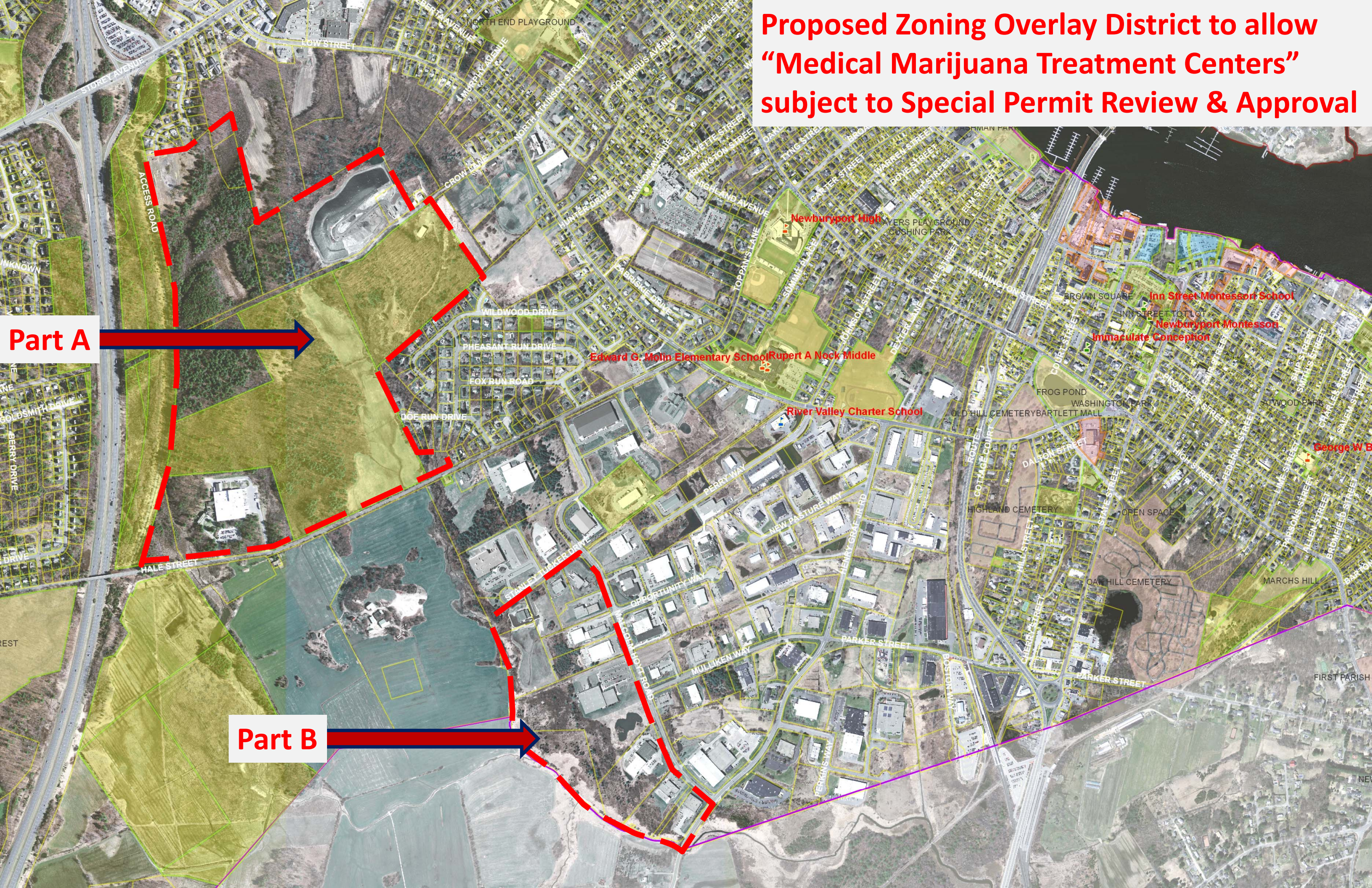


Part A

Part B

**Proposed Zoning Overlay District to allow
“Medical Marijuana Treatment Centers”
subject to Special Permit Review & Approval**

**Proposed Zoning Overlay District to allow
“Medical Marijuana Treatment Centers”
subject to Special Permit Review & Approval**



Part A

Part B

CITY OF NEWBURYPORT



IN CITY COUNCIL

May 27, 2014

ORDERED:

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

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

Zoning Ordinance Amendment:

THAT the Zoning Ordinance be amended pursuant to Section XII-B "Adoption and Amendment" by the addition of the following:

Section V-D: Table of Use Regulations

Use	NUM	CON	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-1B	I-2	M	WMD	WMU
Municipal Harbormaster Facility	713	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	P

Section V-E: List of Allowable Uses

Municipal Harbormaster Facility **713** A municipally owned and operated Harbormaster Facility or Building.

Section VI: Dimensional Controls

Table of Dimensional Requirements

Use	NUM	District	Lot Area	Street Frontage	Height	% Lot Cov.	Open Space	Yard Requirements		
								Front	Side	Rear
Municipal Harbormaster Facility	713	WMD	5,000	0	35	100	NA	0	0	0
		WMU	5,000	0	35	100	NA	0	0	0

Councillor Barry N. Connell
Councillor Robert J. Cronin
Councillor Edward C. Cameron

CITY OF NEWBURYPORT



IN CITY COUNCIL

May 27, 2014

ORDERED:

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

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

Zoning Ordinance Amendment:

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

Section III: Establishment of Districts

III-B Description of Districts

Delete the Term and description of "Floodplain Overlay District" in its entirety, and replace said language with the following:

Floodplain Overlay District. This overlay district includes all Special Flood Hazard Areas (SFHA) within the City of Newburyport designated as Zone A, AE, AH, AO, V or VE on the Essex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program (NFIP). The map panels of the Essex County FIRM that are wholly or partially within the City of Newburyport (Community Number 250097) are panel numbers 25009C0104F (104F), 25009C0108F (108F), 25009C0109F (109F), 25009C0116F (116F), 25009C0128F (128F), 25009C0129F (129F), and 25009C0133F (133F) dated July 3, 2012; and 25009C0117G (117G), 25009C0136G (136G), 25009C0137G (137G), and 25009C0141G (141G) dated July 16, 2014. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Essex County Flood Insurance Study (FIS) report dated July 16, 2014. The FIRM and FIS report are incorporated herein by reference and are on file with the City Clerk, Office of Planning and Development, and Building Department.

Councillor Edward C. Cameron

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 27, 2014

AN ORDINANCE TO AMEND ARTICLE XVIII (DOWNTOWN OVERLAY DISTRICT) OF THE ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

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

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

XXVII-E Exclusions.

Under Subsection XXVII-E.3, after the word "doors" insert the following text: ", signs,".

XXVII-F Procedure and criteria.

Under Subsection XXVII-F.4(b), in the second paragraph, entitled "**Advisory Reports**," replace the text reading "The SPGA shall engage such specialist no later than seven (7) calendar days after it has received a complete application." with the following text: "The SPGA shall engage such architect, engineer, or specialist no later than seven (7) calendar days after its having opened the required public hearing on the matter."

Under Subsection XXVII-F.4(d), entitled "**Employment of Outside Consultants**," replace the text reading "this section" with the following text: "this Subsection XXVII-F.4".

At the end of Subsection XXVII-F.5(a)(iii), insert the following text: "The portions of this Subsection XXVII-F.5 (and its regulations, if any) requiring the payment of consultant fees are promulgated under the concurrent authority of Massachusetts General Laws Chapter 44, Section 53G."

Under Subsection XXVII-F.5(d), entitled "**Staff-level Review**," after the word "doors" insert the following text: ", signs".

Under subsection XXVII-F.5(k), entitled "**Signs and Awnings**," after the word "prohibited" insert the following text: "(provided however, that the SPGA or the office of planning and development, as the case may be, may approve the use of carved high-density sign foam or foam board when the finished surface will have a matte [non-glossy] finish)."

At the end of Subsection XXVII-F.5(k), entitled "**Signs and Awnings**," insert the following text: "Installation of signage that does not comply with this section shall be subject to a variance from the zoning board of appeals in accordance with Section X-H.6."

Councillor Jared J. Eigerman

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 27, 2014

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

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

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

SECTION XXVIII: DEMOLITION CONTROL OVERLAY DISTRICT

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

XXVIII-C Establishment.

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

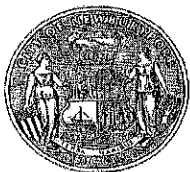
XXVIII-E Procedure and criteria.

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

Councillor Jared J. Eigerman

COMMITTEE ITEMS

Budget & Finance



City of Newburyport

FY 2014

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2014 MAY -6 P 3:35

Department: Mayor

Submitted by: Mayor Donna D. Holaday

Date Submitted: 5/6/2014

Transfer From:

Account Name	General Fund - Free Cash	YTD Bal:	\$ 1,386,677.98
Account Number:	01-35900	Trans In:	\$ -
Amount:	\$255,170.80	Trans Out:	\$ 1,105,431.02
Why are Funds Available:	The Mass Dept of Revenue has certified Free Cash for FY 2014 at \$2,492,109.		
These funds are available for any legal purpose with the approval of the Mayor and a majority vote of the City Council.			

Transfer To:

Account Name	Multiple - See attached	YTD Bal:	
Account Number:	Multiple - See attached	Trans In:	
Amount:	\$255,170.80	Trans Out:	
Why are Funds Required:	See attached memo and project listing.		

Donna D. Holaday, Mayor
William B. Squillace, Auditor
City Council Approval: (Stamp)

Donna D. Holaday
William B. Squillace

Date: 5/6/14
Date: 5/6/14

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EC



City of Newburyport

FY 2014

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2014 MAY -6 P 3: 34

Department: Mayor

Submitted by: Mayor Donna D. Holaday

Date Submitted: 5/6/2014

Transfer From:

Account Name	General Fund - Free Cash	YTD Bal: \$	1,386,677.98
Account Number:	01-35900	Trans In: \$	-
Amount:	\$238,241.30	Trans Out: \$	1,105,431.02
Why are Funds Available:	<i>The Mass Dept of Revenue has certified Free Cash for FY 2014 at \$2,492,109.</i>		
<i>These funds are available for any legal purpose with the approval of the Mayor and a majority vote of the City Council.</i>			

Transfer To:

Account Name	Snow & Ice - Labor	YTD Bal: \$	(29,132.60)
Account Number:	01423001-51301	Trans In: \$	-
Amount:	\$29,132.60	Trans Out: \$	-
Why are Funds Required:	<i>Snow and ice expenses are variable depending on winter weather conditions.</i>		
<i>Weather conditions during this past winter were severe and the amount appropriated for S/I Labor was exceeded by \$29,132.60. State law allows communities to deficit spend in this category, however the deficit must be removed by fiscal year-end with available funds, or raise in FY 2015.</i>			

Transfer To:

Account Name	Snow & Ice - Expenses	YTD Bal: \$	(209,108.70)
Account Number:	01423002-52901	Trans In: \$	-
Amount:	\$209,108.70	Trans Out: \$	-
Why are Funds Required:	<i>Snow and ice expenses are variable depending on winter weather conditions.</i>		
<i>Weather conditions during this past winter were severe and the amount appropriated for S/I Expenses was exceeded by \$209,108.70. State law allows communities to deficit spend in this category, however the deficit must be removed by fiscal year-end with available funds, or raise in FY 2015.</i>			

Donna D. Holaday, Mayor
William B. Squillace, Auditor
City Council Approval: (Stamp)

Donna D. Holaday
William B. Squillace

Date: 5/6/14

Date: 5/6/2014

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City of Newburyport

FY 2014

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2014 MAY -6 P 3:34

Department: Mayor

Submitted by: Mayor Donna D. Holaday

Date Submitted: 5/6/2014

Transfer From:

Account Name	Insurance - 32-B	YTD Bal:	\$	1,777,318.37
Account Number:	01914001-51700	Trans In:	\$	-
Amount:	\$471,078.18	Trans Out:	\$	-
Why are Funds Available:	<i>A surplus is anticipated in this account at year-end.</i>			

Transfer To:

Account Name	School Expenses	YTD Bal:	\$	6,518,419.94
Account Number:	01300002-53201	Trans In:	\$	-
Amount:	\$250,000.00	Trans Out:	\$	-
Why are Funds Required:	<i>The Newburyport Public Schools are anticipating a year-end deficit of \$250,000.00. See attached explanatory memo from Superintendent Viccaro.</i>			

Transfer To:

Account Name	Fire Overtime	YTD Bal:	\$	1,074.93
Account Number:	01220001-51301	Trans In:	\$	-
Amount:	\$100,000.00	Trans Out:	\$	-
Why are Funds Required:	<i>The FY 2014 appropriation for Fire Overtime was \$205,000. The Fire Department anticipates total overtime costs to exceed \$300,000 by year-end.</i>			

Transfer To:

Account Name	DPS Streetlights	YTD Bal:	\$	(19,196.61)
Account Number:	01421002-52103	Trans In:	\$	-
Amount:	\$120,000.00	Trans Out:	\$	-
Why are Funds Required:	<i>Planned savings from the procurement of the street lights was initiated during FY 2014, but is not yet fully complete. Future savings will reduce FY 2015 street light costs.</i>			

Transfer To:

Account Name	Retirement Appropriation	YTD Bal:	\$	-
Account Number:	01911001-51740	Trans In:	\$	-
Amount:	\$1,078.18	Trans Out:	\$	-
Why are Funds Required:	<i>The City/School retirement appropriation for FY 2014 was underfunded by the above-referenced amount due to the receipt of an updated invoice from the Massachusetts State Board of Retirement.</i>			

Donna D. Holaday, Mayor
William B. Squillace, Auditor
City Council Approval: (Stamp)

Donna D. Holaday
William B. Squillace

Date:

Date:

5/6/14

5/6/2014

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City of Newburyport

FY 2014

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

Department: Health -Energy/Recycling

2014 MAY -6 P 3:57

Submitted by: Molly Ettenborough

Date Submitted: 5/6/2014

Transfer From:

Account Name	Solid Waste Fee	YTD Bal:	\$ 267,012.13
Account Number:	2747-59600	Trans In:	
Amount:	\$21,580.87	Trans Out:	\$ 37,500.00
Why are Funds Available:	Funded through compost sticker fees and recycling rebate.		
This transfer is the standard method for moving funds from Reserve for Appropriations accounts into General Fund accounts.			

Transfer To:

Account Name	Health Dept Salary Energy/Recycling Coor	YTD Bal:	\$ (11,046.99)
Account Number:	01519001-51160	Trans In:	
Amount:	\$21,580.87	Trans Out:	\$ -
Why are Funds Required:	To cover salary for Energy/Recycling Coordinator for remainder of FY 2014.		

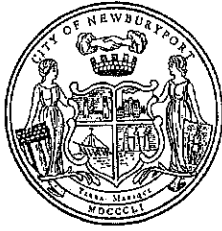
Donna D. Holaday, Mayor
William B. Squillace, Auditor
City Council Approval: (Stamp)

Donna D. Holaday
William B. Squillace

Date: 5/6/2014
Date: 5/6/2014

Refer B&F
RC
BC
SU
2

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

MAY 12, 2014

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED ADMINISTRATION

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

General Ordinance Amendment:

Chapter 2: ADMINISTRATION

Article II: City Council

ADD:

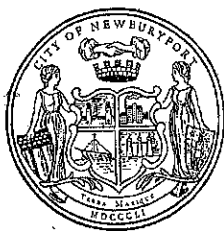
Sec. 2-45. Salary of the City Council

The members of the city council shall receive on an annual basis a salary equal to eight percent of the annual compensation of the mayor effective the first Monday in January, 2016. The President of the City Council shall receive an additional amount of One Thousand (\$1,000) Dollars effective the first Monday in January, 2016.

Councillor Thomas F. O'Brien

motion
by
CT/SC
BV/EC/ATB/PL/4/5
NO

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

MAY 12, 2014

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED ADMINISTRATION

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

General Ordinance Amendment:

Chapter 2: ADMINISTRATION
Article II: Boards, Committees, Commissions
Division 1: Generally

ADD:

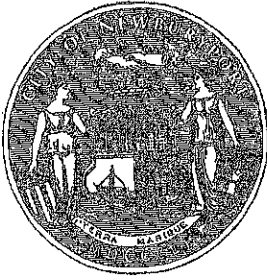
Sec. 2-61A. Salary of the School Committee

The members of the school committee shall receive on an annual basis a salary equal to four percent of the annual compensation of the mayor effective the first Monday in January, 2016. The Vice Chair of the School Committee shall receive an additional amount of One Thousand (\$1,000) Dollars effective the first Monday in January, 2016.

Councillor Thomas F. O'Brien

MOTION
TO
PPV B&F
RC/LG
roll call YES - TO
NO - BLUE PH PRI
TO
BUREAU LG JE MC

General Government



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

Communication #2
May 12, 2014

Gen Goff

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

978-465-4413 PHONE

978-465-4402 FAX

To: President and Members of the City Council

From: Peter Lombardi, Director of Policy and Administration

Date: May 5, 2013

Subject: Intermunicipal Agreement Renewal with West Newbury for Animal Control Services

Attached is an intermunicipal agreement with the Town of West Newbury for animal control services. This IMA was originally agreed to last year and was implemented effective November 1, 2013. Both communities have been satisfied with the results to date. Because it was a new arrangement at the time, the IMA was set up as a one year agreement with two additional one year renewal terms. Both the Newburyport City Council and West Newbury Board of Selectman are, therefore, required to approve this document to continue for FY 2015.

As you may remember, Newburyport is the lead community under this arrangement. West Newbury pays the City \$20,000 annually for this service, saving the City approximately \$10,000 annually by employing this regional approach to animal control services. The City also recoups any boarding fees when West Newbury animals are housed in our Animal Shelter.

Two minor changes have been made to the document from the FY 2014 version. When this document was originally drafted, Newburyport had an old Crown Victoria that had been converted for use as an animal control vehicle. This vehicle had significant structural and mechanical issues this past winter and had to be retired from service. Accordingly, while the City was only responsible for gas, oil, and tires for the West Newbury vehicle last year, we have now taken full responsibility for their vehicle (exempting insurance coverage) for FY 2015. See Article 8 (page 3). It is a much more appropriate vehicle (Ford Van with adequate storage) and has just over 10,000 miles on it.

The only other change is a clarification on who the hearing authority is in cases of dangerous/nuisance dogs. Under this IMA, the Board of Selectmen will handle these cases in West Newbury and the Mayor will handle them in Newburyport. See Article 12 (page 7).

**CITY OF NEWBURYPORT AND
TOWN OF WEST NEWBURY
INTERMUNICIPAL AGREEMENT FOR THE ADMINISTRATION OF SHARED
ANIMAL CONTROL SERVICES**

Article 1. Purpose

This agreement is entered into, pursuant to Massachusetts General Laws Chapter 40, Section 4A, by and between the City of Newburyport, as authorized by its City Council and approved by its Mayor, and the Town of West Newbury, as authorized by its Board of Selectmen.

WHEREAS, the City of Newburyport and the Town of West Newbury are each obligated to provide animal control services to their residents; and

WHEREAS, the City of Newburyport and the Town of West Newbury have determined that their residents can more efficiently and effectively be served with such services through a joint undertaking between the communities; and,

WHEREAS, the City of Newburyport and the Town of West Newbury have determined to join together to establish and administer a program of shared Animal Control Services.

NOW THEREFORE, in consideration of the mutual covenants and agreements hereinafter contained, the parties agree as follows:

Article 2. Definitions

Participating Governmental Units: the City of Newburyport and the Town of West Newbury.

Animal Control Services: Any and all services as required of an Animal Control Officer under applicable Massachusetts Laws and regulations, including but not limited to MGL Chapter 140, Section 151 *et seq.* and MGL Chapter 129, Section 15 *et seq.*

Article 3. Term

This Agreement shall take effect on the 1st day of July 2013, for a one year term that may be extended by up to two additional one year terms commencing on July 1, 2014 and July 1, 2015. Any such extension term shall be subject to approval by the City of Newburyport, as authorized by its City Council and approved by its Mayor, and the Town of West Newbury, as authorized by its Board of Selectmen. The Participating Governmental Units shall give each other notice of whether or not they wish to extend this initial one year term at least ninety days prior to the annual Town Meeting of the Town of West Newbury but no later than ninety days prior to June 1st of the then-current term, unless another date is mutually agreed upon in writing. Should the

parties fail to extend this Agreement by written addendum hereto, the agreement shall terminate upon the last day of the then-current term.

Article 4. Lead City

The City of Newburyport shall act as the "lead city" for the Participating Governmental Units, by employing the necessary officers and providing the necessary equipment, vehicles and kennel to perform said Animal Control Services. Said officers shall be considered employees of the City of Newburyport and be accorded all applicable benefits enjoyed by other Newburyport municipal employees as they are or shall be established. Each such officer must be a Massachusetts certified Animal Control Officer (excepting that new employees may acquire such certification within two years of the commencement of employment). Said certification must be maintained during the term of this Agreement. The office where such officers shall be primarily located will be in Newburyport.

Article 5. Funding Contribution

During the Fiscal Year 2015 (July 1, 2014 – June 30, 2015), the Town of West Newbury shall pay the City of Newburyport for animal control services a total sum of \$20,000.00 to be paid in four equal quarterly payments of \$5,000.00 on or before August 1, November 1, February 1, and May 1. This payment shall include all applicable expenses incurred by the City of Newburyport in providing Animal Control Services on behalf of the Participating Governmental Units, including, but not limited to, salaries, group health insurance, workers' compensation insurance, and all other applicable benefits. Nothing herein shall prevent the parties from mutually agreeing in writing to change the funding contribution during the initial term or any extended term of this agreement, subject to available appropriation.

Article 6 Financial Safeguards

Under the provisions of M.G.L. Chapter 40, §4A, the City of Newburyport Director of Public Health shall provide to the Town of West Newbury periodic financial statements that shall include: accurate and comprehensive records of the services performed under this agreement; the costs incurred; and the reimbursements and contributions received. Such reports shall be compiled and distributed by the Health Director on a quarterly basis. In addition, all bills and payrolls submitted for work done under this regional agreement shall be plainly marked to indicate that the work was done under the authority of this agreement.

The accounting records of the Newburyport Animal Control Services, working under the direction of the Newburyport Director of Public Health, shall be subject to the City's annual audit process and shall be subject to periodic audit by the Newburyport City Auditor as is current practice.

Article 7 Hours of Services and Service Requirements

The City of Newburyport shall provide Animal Control Services under this Agreement on an as-needed basis, seven days a week, twenty four hours a day. Animal Control Services shall be provided on an equal basis between the communities.

Article 8 Vehicle Usage

The Town of West Newbury shall provide a 2005 Ford Van. This vehicle shall be made available for the use of the Animal Control Officers. Collision and liability insurance for this vehicle shall continue to be paid by the Town of West Newbury. The City of Newburyport shall be responsible for the maintenance and upkeep of West Newbury's vehicle.

Article 9 Fines

Any fines, exempting boarding fees, collected will be collected on behalf of and returned to the Participating Governmental Unit from within the municipal boundaries of which the animal was taken, or in the case of an animal not taken, returned to the Participating Governmental Unit in which the animal resides or is kept.

Article 10 Indemnification

In the event that any claims, demands, suits, causes of action, costs, and expenses arise with respect to the services provided pursuant to this 'agreement, and to the extent permitted by Massachusetts General Laws chapter 258 and other applicable law, a Participating Governmental Unit shall indemnify, defend and hold harmless the other participating Government Unit from and against any such claims, demands, suits, causes of actions, costs and expends, including reasonable attorneys' fees and legal costs, but only to the extent that they arise from or relate to the negligent acts or omissions of the first Participating Governmental Unit, or its agents, servants, or employees, By entering into this Agreement, neither of the parties have waived any governmental immunity or limitation of liability or damages which may be extended to them by operation of law. This Agreement is by and between the municipalities which have executed it and each states that this is intended for their mutual benefit alone and is not intended to confer any express or implied benefits on any other person. This Agreement is not intended to confer third party beneficiary status on any person.

Article 11 Operation of Animal Shelter Facilities

The City of Newburyport shall maintain and operate an Animal Shelter Facility under the following terms and conditions.

I. OPERATIONS:

- a. The Animal Shelter Facility shall be accessible to the citizens of each Participating Governmental Unit for the retrieval of impounded animals during normal business hours, Monday through Friday 8AM to 4PM by appointment. Weekend hours will be provided by appointment only. Notice shall be posted conspicuously and in a readily accessible format in the main municipal building of both Participating Governmental Units which states the hours of operation and an emergency telephone number for use by residents to retrieve their pets. Such information shall also be made available on each respective Participating Governmental Unit website. The animal shelter shall be able to accept impounded animals 24 hours a day, 365 days a year.
- b. Newburyport will provide daily supervision, food, water and humane care to animals boarded at the shelter.
- c. All Animal Control Officers will log in each time they enter the Animal Shelter Facility. The sign-in sheets will be submitted monthly to the Director of Public Health.
- d. The Animal Shelter Facility is to be solely used for the impounding of animals and to be used by Animal Control Officers only. There shall be no entry of other persons in the shelter without the consent of the City of Newburyport Director of Public Health.
- e. Newburyport will be responsible for the Animal Shelter Facility cleaning/sanitizing supplies, maintenance, heat, water, electric and other utility costs incurred in connection with the operation of the Facility.
- f. Newburyport will be responsible to keep the Animal Shelter Facility and associated kennels maintained, clean, and sanitary on a daily basis. Excreta and food waste shall be removed from primary enclosures daily and from under enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent soiling of the animals contained in the enclosures, and to reduce disease, hazards, insects, pests, and odors. The condition of the kennels and quality of care is to be of a high caliber and performed to the standards established by the City of Newburyport Director of Public Health.

transportation of an animal to a veterinarian's office, telephone expenses incurred in connection with medical treatment, and any special care involved. Bills must support all medical charges and receipts bearing the name of the veterinarian or firm from whom they were obtained.

- f. Fees for animals that are unclaimed by the owner at the end of the maximum seven (7) day holding period shall be paid by the Participating Governmental Unit where the animal originated.
- g. All fees and receipts from boarding and all other services related to the shelter shall be submitted monthly to the City of Newburyport Health Department.

III. RECORD KEEPING: Each Participating Governmental Unit's Animal Control Officers shall maintain an impound record on each animal delivered to the Animal Shelter Facility. The impound record will be prepared and filled out by the appropriate Animal Control Officer and delivered to the Facility with the animal.

Upon discharge, one (1) copy of the animal's completed record shall be provided to the person claiming the animal and one (1) copy of each discharged animal's record shall be provided to Newburyport. If the agreement is terminated, all impound records shall be transmitted to the appropriate town.

IV. DISCHARGE:

- a. Claimed animals: Each Participating Governmental Unit will require the person claiming the animal to show identification (preferably a driver's license). In the case of a dog, a certificate of license is required of all dogs six (6) months of age or older for release.

In the event of non-licensure of a dog, the owner or person claiming the dog will be required to show proof of licensure prior to release by the Animal Control Officer. The Animal Control Officer will not be responsible for ensuring licensure of the dog.

In addition, the Animal Control Officer will provide the person claiming the animal with a full disclosure of any medical treatment rendered by a veterinarian and/or the Animal Shelter Facility and by whom it was rendered

and a complete identification of any prescription or non-prescription medicine(s) administered to the animal while in custody. Finally, the Animal Shelter Facility must obtain the signature and the driver's license number of the person to whom the animal is released on the Impound Record.

- b. Unclaimed animals: Unless requested by the Newburyport Director of Public Health or West Newbury Police Chief to retain the animal for a longer period (2 to 4 additional days), animals will be picked up on or immediately following the seventh (7th) day of confinement by the Animal Control Officer. The written notice to extend shelter services from the Newburyport Director of Public Health or West Newbury Police Chief must accompany the reports to the city or town. The shelter may place such animals as are deemed suitable up for adoption in accordance with MGL Chapter 140, section 136A.

Article 12 Dangerous or Nuisance Dogs

In accordance with M.G.L. Ch. 140 Sec. 157, complaints regarding dogs must be filed with the hearing authority in the city or town in which the dog is owned or kept. For the purposes of this IMA, the hearing authority for the City of Newburyport and for the Town of West Newbury shall be the Mayor and the Board of Selectmen respectively. Both hearing authorities will consult with the relevant animal control officer(s) in their review and resolution of these complaints.

Article 13 Miscellaneous

- a. This agreement may be amended in writing by vote of both of the Participating Governmental Units. Should additional municipalities seek to join this program of shared Animal Control Services, the terms agreed to herein, including apportionment of expenses, for such additional municipalities shall be negotiated and approved by both of the Participating Governmental Units.
- b. This agreement represents the entire understanding of the parties with respect to its subject matter.
- c. This agreement shall be governed by the laws of the Commonwealth of Massachusetts.
- d. If any of the provisions of this agreement is declared to be illegal, unenforceable, or void, then both parties shall be relieved of all obligations under such provision, provided, however, that the remainder of the Agreement shall be enforced.

TOWN OF WEST NEWBURY
By Board of Selectmen

Dated: _____

CITY OF NEWBURYPORT
By City Council

Dated: _____

PLANNING & DEVELOPMENT

CITY OF NEWBURYPORT



IN CITY COUNCIL

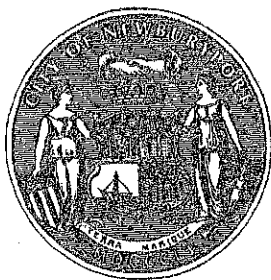
ORDERED:

April 15, 2014

THAT pursuant to General Laws Chapter 40, Sections 15 and 15A the City Council of the City of Newburyport hereby designate the former Kelley School (*formally closed by the School Committee by vote of April 23, 2007, and now operating as the Newburyport Youth Services facility*) as surplus property, no longer needed by the City for such purposes or for other public purposes (*based upon the anticipated relocation of Newburyport Youth Services to the Brown School*), and further (*consistent with the April 7, 2014 vote of the School Committee*) that the Council hereby transfers the care, custody, management and control of said building and the land upon which it stands (*151 High Street, Assessors Map 35 Lot 161*) to the Mayor for the purposes of further conveyance, on such terms and conditions, and for such consideration, as the Mayor deems appropriate, provided that a condition of the sale or lease of said property shall be a duly recorded Preservation Restriction for the protection of the historic facades of said building, and further that the proceeds from sale or lease of the property be used, at the discretion of the Mayor, for either supplementing the School Department budget or for the purposes of funding capital improvements required at the Brown School necessary for the conversion of this facility to function (*in part*) as the Newburyport Youth Services facility. It is acknowledged herein that any further disposition (*lease or sale*) of the Brown School will be subject to transfer and approvals by both the School Committee and City Council, pending relocation of students and faculty to the new Bresnahan School.

Councilor Ed Cameron
Councilor Meghan Kinsey

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

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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2014 MAY -5 P 1:11

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: May 5, 2014
Re: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Newburyport Redevelopment Authority to fulfill the unexpired term of Patricia Dorfman. This term shall expire on March 1, 2017.

Robert Uhlig
10 Ocean Street
Newburyport, MA 01950

(Handwritten notes and signatures)
+ BV
+ TO
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Whit
Roll call
NO (OC PR TO)
YES - CT BV EC RC LG
JE PH MK
SV

Public Safety

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

Hello --

My name is Jessica Reines. I live at 26 Gypsy lane with my husband, 14 yr. old son and 22 yr. old daughter who frequently returns home from college. Our home is the last house on the right- across from Maudslay and before you hit the very windy/double tree lined area , that leads to the parking lot/music area. I am truly worried somebody is going to get seriously hurt on this road.

Back in the day ...prior to the HUGE increase of tourists and locals who come to Maudslay to walk/jog/bike/longboard/dogwalk/etc., it was less of an issue. But, unfortunately, it is currently a tremendous safety concern. People go speeding by ALL THE TIME. Locals do - knowing its a back road with no cops- and tourists do- unknowingly, thinking it's a desolate country road. In the summer I witness MANY near accidents. Parents of my 14yr.old -who know the street - have their kids bike down via 113 -rather than from Curzon Mill onto Gypsy - despite being longer, because of the safety concerns. Pedestrians have to walk on and/or jump into the brush/rock area in order to avoid getting hit by cars for about 2-4 minutes of the walk - until the road straightens out again and you are able to see both sides of the street simultaneously. It's literally an accident waiting to happen.

I'm not quite sure what the solution is -better signage/a lesser speed limit/ increased monitoring?? I'm not sure - but I urge you to discuss/share this concern (letter) with your fellow council members and attempt to implement some potential resolutions to this very real safety concern. Of note - I've never written a letter to a council person before - and I am the furthest thing from an over-zealous/over-protective parent or community type. I'm generally quite laid back - It's just that I see the seriousness of this issue becoming increasingly critical with each summer. More kids...more joggers...more bikers....AND MORE CARS (even at 30mph) having to swerve in order to avoid hitting them. Please feel free to come by for a cup of coffee on a Sunday morning and/or a stroll to Maudslay. You will see what I mean.

Thank you in advance for your attention to this matter. Take Care. Please call/email with any questions you may have.

Jessica Reines
(978)-994-6417
jessicaer67@hotmail.com

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
May 1, 2014

PS

Newburyport City Council
Newburyport, MA

2014 MAY -5 A 8:25

Re: Road Race Request

Dear Councilors, we formally request permission to conduct a ½ marathon road race in Newburyport next September 14th, 2014 (Sunday date)

The event will start and finish near the High School on Toppan Lane. (Permission request in the works with the Superintendent) The event will bring hundreds of people to Newburyport to stay over for the weekend at local hotels and dine in local restaurants in a weekend in November that is normally quiet.

Police: We have already reviewed the course with Lieutenant Siemasko and have received a preliminary approval to seek city approval.

Insurance: The race will have a 1 million dollar liability insurance policy that names the City and School as additional insured

Race Course: The race course will have little impact on auto traffic, as only 3 miles of the course are in Newburyport, the rest are on rural roads in West Newbury. (Traffic on Low Street may be rerouted by the police to alleviate any issues on this busy road.)

ALL Police and ambulance expenses to be paid by the race.

We would like to apply to hold this race at an upcoming City Council Meeting.

Event Information

The event will have at least 900 runners and over 1,000 spectators coming from all over New England, but include many locals. It will be an all women's field -with one male participant chosen in a lottery. (One Lucky Guy). This is the only all women's Half Marathon in New England. Volunteer groups from the high school will be encouraged to help out with the race in a variety of duties including handing out numbers and working at the start and the finish or food distribution.

The goal of the race is to distribute the proceeds locally to worthy school and non-profit groups. It is a great way for students to become involved in a healthy lifestyle event and earn money for their team or group. There event will be approved well in advance by the Town of Newburyport and West Newbury and both Police departments.

About us: Loco Sports conducts similar events with fields up to 2,000 runners including a Marathon in Hampton New Hampshire. Our goal is to provide a premier event that Newburyport can be proud of.

Thank you for your interest in helping us present this event.
I await your comments and suggestions.

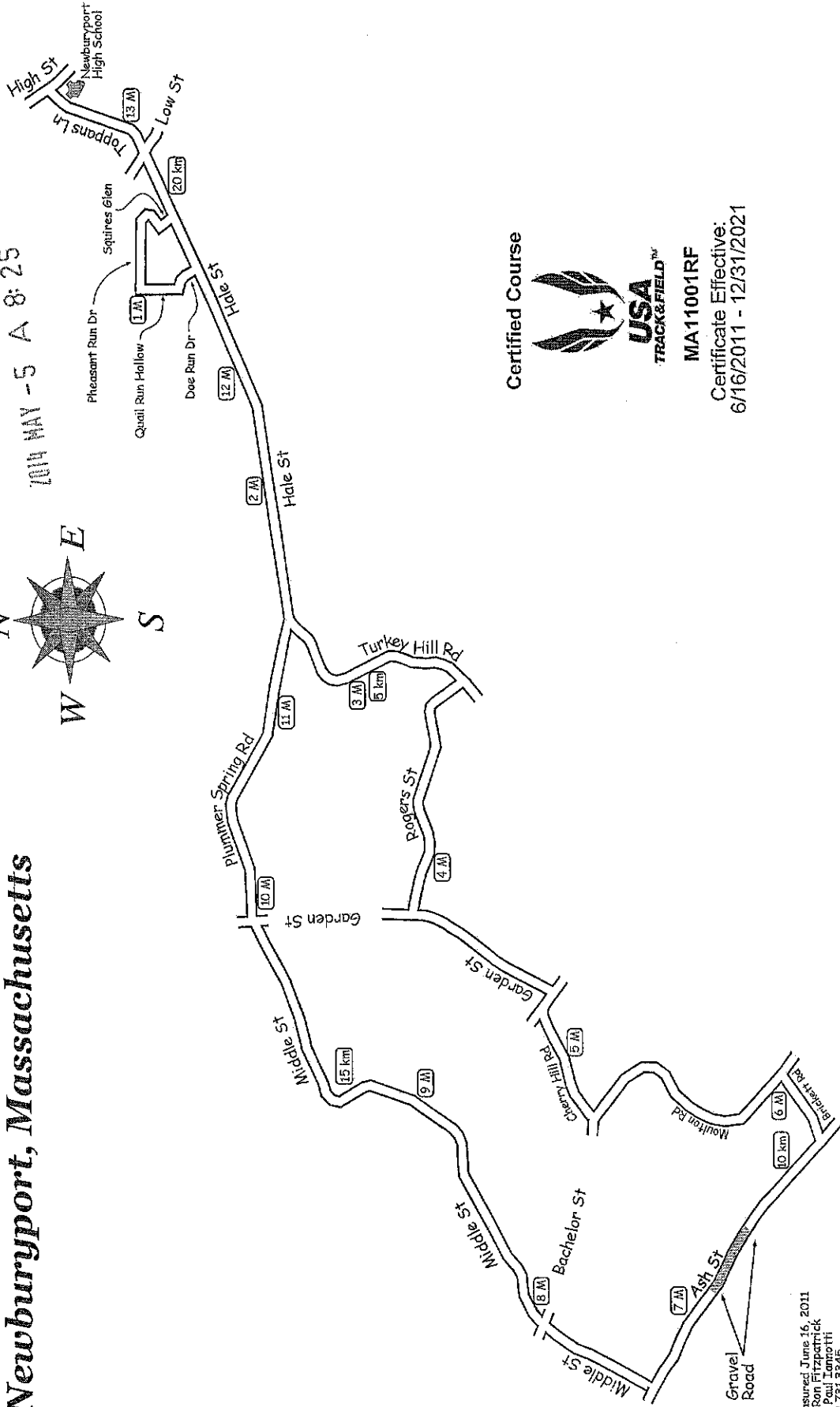
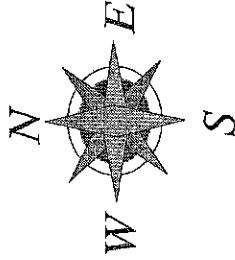
Michael St. Laurent
LOCO Sports, Inc.
102 Main Street, Newmarket NH 03857
Email: mike@locorunning.com Phone: 603 659 2824

All Women & One Lucky Guy Half Marathon

Newburyport, Massachusetts

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2014 MAY -5 A 8:25



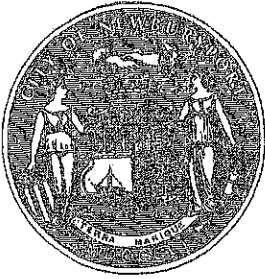
Certified Course



MA11001RF

Certificate Effective:
6/16/2011 - 12/31/2021

Measured June 16, 2011
by: Ron Fitzpatrick
and Paul Iannotti
603.731.3346
rfitz@tds.net



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

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

978-465-4413 PHONE

978-465-4402 FAX

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: May 2, 2014
Subject: Roadway and Sidewalk Project Update CY12-14

Here is a summary of roadway and sidewalk funding and work that is scheduled to be completed in 2014 as well as a summary of work that has been completed in calendar years 2012 and 2013.

Roadways:

All City roadway projects are funded by Chapter 90 state appropriation. The annual release of this funding has been delayed for the past two years, causing some of the planned projects to be pushed back into the following construction season. The City was allocated slightly over \$1M over that two year period, \$522,087.00 in FY12 and \$517,360.00 in FY13. Thankfully, the City's 2014 allocation of \$517,508.00 was disbursed on April 20 which will allow us to incorporate those funds into projects that will be completed during this upcoming construction season.

Planned roadway projects for CY14 will be as follows:

Willow Avenue

Brooks Court

Stanley Avenue

Jackson Street

Carlton Drive

Merrill Street

Russia Street (assuming Merrill Street work comes in on budget)

Highland Avenue (assuming all Water Department utility work is completed in time)

Beacon Ave from Reilly Avenue to South Pond Street (assuming all Water Department utility work is completed in time)

National Grid has already completed utility work for these streets in anticipation of these projects. The first five streets listed will be full reconstruction (as opposed to an overlay) and have been included in the annual City-wide paving contract to reduce costs.

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In addition, as we do every year, we will also use Ch. 90 funds for linestriping the downtown, project inspection and field engineering services. The total projected cost for all of this CY14 work is \$514,106.00.

The Merrill Street, at an approximate cost of \$450,000.00, is already underway and is funded from previous Chapter 90 disbursements. Purchase Street from Lime Street to Franklin Street, at a projected cost of \$190,000.00, will also be completed this year using previously allocated state funds.

In addition, the Council approved \$50,000.00 in the 2014 Supplemental Budget process to address specific large patch repairs that will be completed on Shandel Drive and Federal Street this year.

Due to the significant deterioration to the road condition caused by the weather this past winter, Governor Patrick released additional one-time funds to address potholes. For Newburyport, we are set to receive \$77,626.00 through this Winter Rapid Recovery Road Program. These funds will be used to complete pothole and resurface work on Merrimac St between Boardman Street and Winter Street, to complete drain, berm, and resurface work at the intersection of Ferry Road and Noble Street, and to repair the guardrail at the intersection of Parker Street and Hill Street.

For your reference, the following roadway projects were completed in CY12 & CY13:

Coltin Drive & Wilkinson Drive	\$78,471.38
Mulliken Way	\$53,051.25
Jefferson Street, Jefferson Court, & Lancey Court	<u>\$298,000.00</u>
	\$429,522.63

Other related services that were funded through Chapter 90 in CY12 & CY13:

Linestriping	\$56,505.19
Project Inspection / Field Oversight Services	<u>\$25,000.00</u>
	\$81,505.19

The City utilizes a pavement management system based on a comprehensive inventory of roadways that was initially conducted in 2005 and was updated in 2009 by Beta Engineering. Another 5-year update will be completed in 2015. This system takes a variety of factors into account when generating its overall road service ratings. Each year, the Department of Public Services does on-site inspections and an assessment of the underground utility work that has been done in those streets that are identified as priority projects through this reporting system. As some road conditions deteriorate faster or more severely than others, adjustments are made in determining what roadway projects require immediate attention in a given calendar year.

Sidewalks:

Sidewalk improvements are funded solely through municipal accounts, with the exception of sidewalk work that is included in the scope of major roadway projects such as Merrill Street and Purchase Street for which Chapter 90 funding is allocated. Local funding for sidewalk work from FY12 through FY14 will total \$754,310.98. As you know, 50% of all local meals tax receipts have been allotted for sidewalk repairs since that local acceptance statute was approved by the City Council over two years ago. In all, the City has committed \$315,562.48 for sidewalks in FY14 alone (\$75,000 in the operating budget plus \$240,562.48 from FY13 actual local meals tax receipts).

The sidewalk projects planned for CY14 that are associated with Chapter 90 roadwork are as follows:

- Willow Avenue
- Brooks Court
- Stanley Avenue
- Jackson Street
- Carlton Drive
- Highland Avenue

Additional stand-alone sidewalk work for CY14 will be:

- Green Street (25 tree pits)
- Washington Street from Strong Street to Olive Street (northeast side only)
- Temple Street from Fair Street to Federal Street (both sides)

New handicapped ramps will be installed this construction season at the following locations:

- High Street and State Street
- Hancock Street and Lunt Street
- State Street and Garden Street
- High Street and Market Street

MassDOT has separately agreed to install new handicapped ramps along the High Street corridor at the following locations this year at no cost to the City:

- Federal Street
- Lime Street
- Parsons Street
- Coffins Court
- Allen Street
- Bromfield Street
- Barton Street

For FY15, I have increased the sidewalk line item in the DPS operating budget to be in line with our projected local meals tax receipts. Based on an anticipated \$490,000 in revenue from this source, I have budgeted \$245,000 for sidewalks in FY15. In addition, I will seek a minimum of \$75,000 through the Supplemental Budget process or a Free Cash transfer request to supplement this operating budget increase to ensure that we continue to commit to over \$300,000 annually toward sidewalk work.

For your reference, CY12 sidewalk projects included:

Ocean Street, Lafayette Court, Kent Street, Curriers Court, Liberty Street, Essex Street, Brown Square, Prospect Street from State to Lime, State Street, and Greenleaf Street. Total project costs \$208,631.00.

In addition, CY13 sidewalk projects that have been completed include:

Congress Street, Temple Street, Middle Street, Wilkinson Drive, Mulliken Way, Coltin Drive at Low Street, Toppans Lane at Low Street, Monroe Street at Carter Street, Orange Street at Federal Street, Milk Street at Federal/Lime/Bromfield Streets, Bromfield Street at Hancock Street, Parsons Street at Prospect Street, Prospect Street from Parsons Street to Allen Street, Allen Street at Prospect Street, and Market Street at Pleasant Street. Total project costs \$400,278.40.

Thank you for your input in identifying the sidewalks that are of highest priority to your constituents and for your continued support of increased local funding toward making these much needed improvements to our infrastructure. For those sidewalk projects that have not been included in the CY14 schedule, DPS is currently assessing those locations and putting together cost estimates. As you can see, the demand clearly outweighs the funding in place, despite the significant increases that have been made in recent years. The Department of Public Services should be commended for their efforts in coordinating all of these projects and in working to balance the many competing needs to make improvements to our roads and sidewalks. I will get back to you in the next few months to update you on tentative work for CY15 once I have more detailed information.