

CITY COUNCIL MEETING AGENDA - VERSION 1

June 11, 2012

6:45 PM

Public Hearing – Establishment of Finance and Human Resources Departments

7:15 PM

Pole Hearing – 27 Hale Street, National Grid & Verizon, install new pole

Pole Hearing - Storey Ave. and Low St., National Grid & Verizon, install a new pole

7:30 PM

- 1. OPENING MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE ITEMS**
- 5. PUBLIC COMMENT**

CONSENT AGENDA

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

6. APPROVAL OF MINUTES

May 29, 2012

(Approve)

7. COMMUNICATIONS

1. Neurofibromatosis Northeast fundraiser Sept. 8, 2012 Coast to the Cure Bike Ride (Approve)
2. Coastal Trails Coalition 2nd Annual Slow Bike Race at Cushing Park August 1, 2012 (L&P)
3. The Exchange Club Tent request multiple summer dates in Market Square (L&P)

8. APPOINTMENTS – First Reading

		Re-Appointments	
1. Janice Kelley	24 Dorothy Lucey Dr.	Council on Aging	May 31, 2017
2. Fran Munroe	7 Christopher St.	Council on Aging	May 31, 2017
3. Scott A. Mortimer	59 Marlboro St.	Moseley Woods Commission	March 31, 2015
		Appointments	
4. Richard Goulet	19 Kent St.	Zoning Board of Appeals	June 30, 2016

END OF CONSENT AGENDA

REGULAR AGENDA

9. TRANSFERS

1. Fire Dept. Retirement \$20,000 to Radios/Pagers \$20,000
2. Mayor/Fire Free Cash \$16,327.50 to Radios/Pagers \$12,847.50, to Gen. Admin. M/R Building \$2,575, to Gen. Admin. Supplies (CH) \$905
3. Fire Dept. Retirement \$28,000 to Firefighter Overtime \$28,000
4. Fire Dept. Firefighter Salaries to Firefighter Overtime \$22,000
5. DPS-Sewer Retained Earnings \$615,000 to GIP-Graf Rd Force Main \$450,000, CIP-West End Easement \$50,000, CIP-Sewer Main Replacement \$50,000, CIP-Meter Replacement Prog \$50,000, CIP-DPS Network Expansion \$15,000
6. DPS-Sewer Primary Clarifiers \$100,000 to CIP-WWTF Primary Clarifiers \$100,000
7. DPS-Water Retained Earnings \$727,163.68 to CIP-Tank Maintenance \$562,163.68, to CIP-Wtr Main Replacement \$100,000, to CIP-Meter Replacement Prog. \$50,000, to CIP-DPS Network Expansion \$15,000

8. DPS-Water Salary Bus. Manager \$2,000 to FICA \$2,000
9. Auditor/Harbormaster Ins Claims RSV APP \$23,401.59 to Harbormaster M/R Boat \$23,401.59
10. Health Dept. Health Dues & Membership \$480 to Health Misc. Expenses \$480

10. ORDER

1. Community Preservation Committee Recommendations
2. Revolving Funds Building Dept. Plumbing Inspector
3. Revolving Funds Building Dept. Gas Inspector
4. Revolving Funds Building Dept. Electrical Inspector
5. Revolving Funds COA Council on Aging.
6. Revolving Funds Gen Gov City Hall Maintenance
7. Revolving Funds Health Animal Control
8. Revolving Funds Health Transient Vendors
9. Revolving Funds Health Medicare/Medicaid
10. Revolving Funds Library South End Branch
11. Revolving Funds Parking Clerk Downtown Paid Parking
12. Revolving Funds Planning Historical Commission
13. Revolving Funds Planning Planning and Zoning
14. Revolving Funds Planning Engineering Services
15. Revolving Funds Planning Disabilities Commission
16. Revolving Fund Veterans Veteran's Benefits
17. Revolving Fund Youth Services Recreational Services
18. Revolving Fund Youth Services Middle School Drop In Center

11. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Mayor/Harbormaster Capital Outlay \$2750 to Harbormaster Salary \$2750 *03/12/2012
2. Mayor/Youth Svcs Free Cash \$24,000 to Gen Admin Maint/Repair City Hall \$24,000 *03/12/2012
3. Police Dept. Off. Sal. \$30,739.78 to Ret. Acct \$24,671.78, to Mayor's Training Acct \$6,068.00
4. Mayor/Library Free Cash \$22,000 to Library Building Maintenance \$22,000 *05/14/2012

General Government

In Committee:

1. Campaign Finance Reports – Municipal Forms website posting *05/14/2012
2. Establishment of Human Resources Dept. and Finance Dept. per Charter *05/29/2012

Joint Education

In Committee:

License & Permits

In Committee:

1. Purple Onion Amended Outdoor Seating for food – expanded area *05/14/2012
2. Warren Street Market & Deli Outdoor Seating for food *05/29/2012

Neighborhoods & City Services

In Committee:

Planning & Development

In Committee:

1. Amend Zoning Ordinance Section XII-B , FEMA Maps *04/30/2012
2. Communication regarding Zoning Changes on Storey Avenue *05/29/2012

Public Safety

In Committee:

1. Amend Ord. 10-9 Miscellaneous offenses – use or consumption of marijuana
2. Nbpt Labor Day Festival request for 3 day downtown event Sept. 1-3, 2012
3. Amend Ord. 13-180 Parking Resident Harris St.
4. Community Giving Tree of Boxford donation box

*11/28/2011
*01/30/2012
*01/30/2012
*04/30/2012

Public Utilities Committee

In Committee:

1. Street Lighting Recommendation
2. Drain Layer/Utility Contractor Jamco Excavators, LLC
3. Drain Layer/Utility Contractor United Utility Corp.
4. Drain Layer/Utility Contractor LAD Company
5. Drain Layer/Utility Contractor Shamrock Landscaping

*09/21/2011
*05/14/2012
*05/14/2012
*05/29/2012
*05/29/2012

Rules Committee

In Committee:

12. GOOD OF THE ORDER

13. ADJOURNMENT

POLE HEARING



CITY OF NEWBURYPORT
MASSACHUSETTS
CITY CLERK'S OFFICE
NEWBURYPORT CITY HALL
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
TEL: 978-465-4407 • FAX: 978-462-7936

RICHARD B. JONES
CITY CLERK

June 1, 2012

Dear Property Owner:

Please be advised that the previous notice dated May 23, 2012 stated incorrectly that there would be a relocation of a pole. There will only be an installation of a new pole.

Notice is hereby given that a public hearing will be held on the petition of National Grid and Verizon New England Inc., for Low St-National Grid to install a new JO pole #73-5 Low St, 40' west of pole 73 @ intersection of Storey Ave. and Low St., and continuing approximately 515 feet in a SE direction . Said hearing will be held on Monday, June 11, 2012 at 7:15 pm in the City Council Chamber, City Hall, Newburyport, MA. At that time, all interested parties will have an opportunity to be heard.

A copy of the plan is enclosed.

Sincerely,

A handwritten signature in cursive script, reading "Tricia E. Barker".

Tricia E. Barker
Assistant City Clerk

Questions contact – Jim Huxley-781-07-3284

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

North Andover, Massachusetts

2012 MAY 15 A 10:29

To The City Council
Of Newburyport, Massachusetts

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

Low St-National Grid to install a new JO pole#73-.5 Low St, 40' west of pole 73@the intersection of Storey Ave and Low St, and continuing approximately 515 feet in a SE direction.
Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Low St-Newburyport Massachusetts

#12403826 May 4, 2012

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID
BY Jim Huxley
Engineering Department

VERIZON NEW ENGLAND, INC.
BY Robert E. Gussner
Manager / Right of Way

City

Questions contact -- Jim Huxley-781-907-3284

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the City Council of Newburyport, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 4th day of May 2012.

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

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

12403826 Dated May 4, 2012. Filed with this order

There may be attached to said poles by NATIONAL GRID and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Low St-National Grid to install a new JO pole#73-.5 Low St, 40' west of pole 73@the intersection of Storey Ave and Low St, and continuing approximately 515 feet in a SE direction.
Location approximately as shown on plan attached

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

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

Massachusetts

City/Town Clerk.

20 ____.

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

Attest:
City/Town Clerk

I hereby certify that on _____ 20____, at _____ o'clock, M
at _____ a public hearing was held on the petition of
NATIONAL GRID and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and
that we mailed at least seven days before said hearing a written notice of the time and place of said
hearing to each of the owners of real estate (as determined by the last preceding assessment for
taxation) along the ways or parts of ways upon which the Company is permitted to erect
poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

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

Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of
hearing with notice adopted by the _____ of the City of
Massachusetts. on the _____ day of _____ 20____, and recorded with the
records of location orders of the said City, Book _____, Page _____. This certified copy
is made under the provisions of Chapter 166 of General Laws and any additions thereto or
amendments thereof.



CITY OF NEWBURYPORT

OFFICE OF THE ASSESSOR

DANIEL RAYCROFT
CITY ASSESSOR

NEWBURYPORT CITY HALL
60 PLEASANT STREET
NEWBURYPORT, MA 01950

TEL: 978-465-4403

FAX: 978-462-8495

WWW.CITYOFNEWBURYPORT.COM

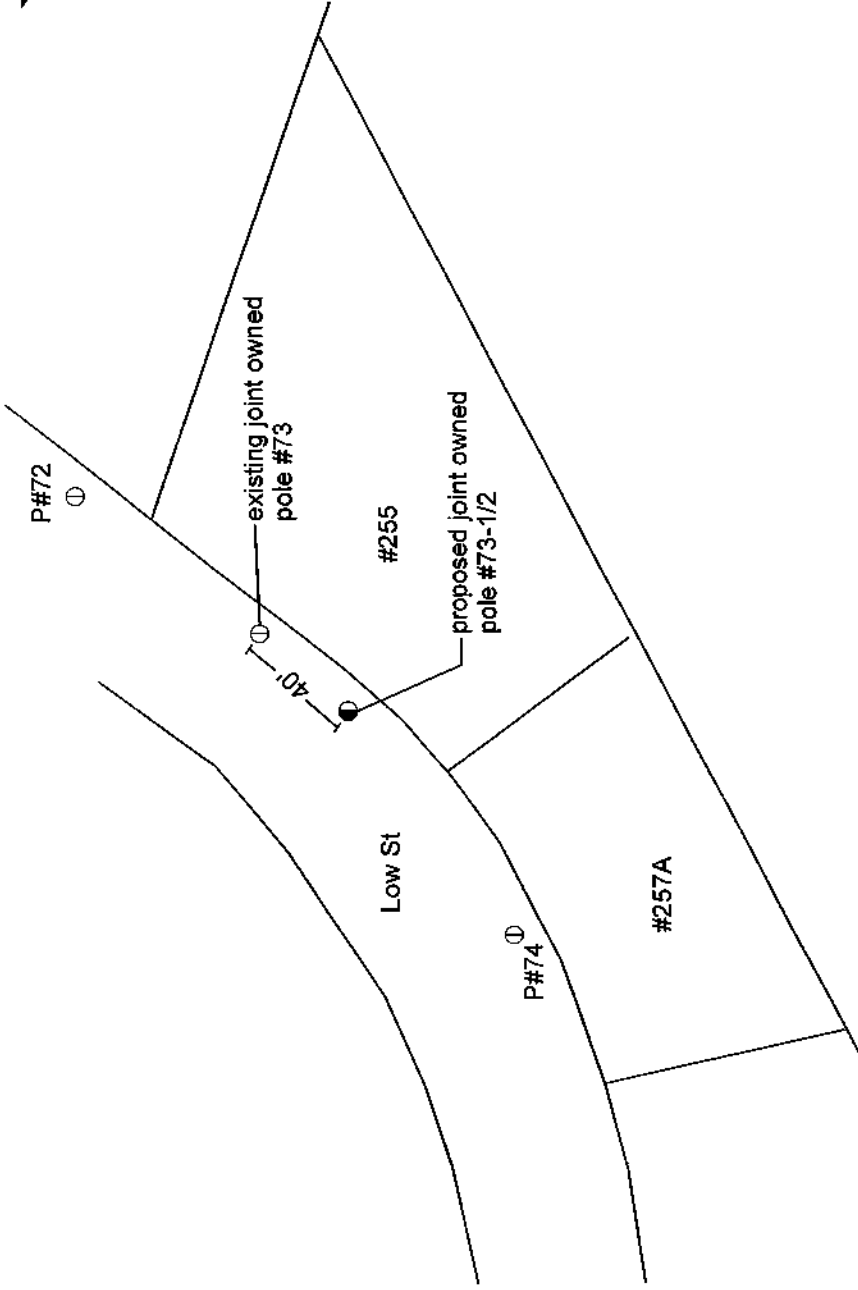
May 24, 2012

TO: Richard Jones, City Clerk

FROM: Board of Assessors

RE: Low Street – Install a new pole

The attached are the abutters to the above described location:



nationalgrid

Petition Sketch
P#73-1/2 Low St.
Newburyport, Ma.

Scale NONE	Acix Drawing Number
Date 9/22/2012	12403826
Drawn By J.Hurley	Approved By J.Hurley

43/ 234/G / /
RUSSO KARL F JR
17 CRESTWOOD RD
NORTH READING, MA 01864

43/ 234/Q / /
RIBECK RANDY W
234 LOW ST UNIT 17
NEWBURYPORT, MA 01950

43/ 236/C / /
THIRKELL MARYLIN
140 MERRIMAC ST
NEWBURYPORT, MA 01950

43/ 234/H / /
LABONTE DONALD
234 LOW ST UNIT 8
NEWBURYPORT, MA 01950

43/ 234/R / /
BUSSING JAMES G
160 W MAIN ST
GEORGETOWN, MA 01833

43/ 236/D / /
MASIA GIUSEPPE C
ANDREA M RIGGILLO-MASIA J/T
24 SCOTLAND HEIGHTS RD
NEWBURY, MA 01951

43/ 234/J / /
CRESPO KAREN E
234 LOW ST UNIT 10
NEWBURYPORT, MA 01950

43/ 234/S / /
FOLEY G, M NICKERSON, ET ALS TRS
NEWPORT CONDOMINIUM TRUST
C/O L & M PROPERTIES
21 PLEASANT ST
NEWBURYPORT, MA 01950

43/ 236/E / /
KEEFE DENNIS C & LEE A HARRIS TRS
CHARDELE REALTY TRUST II
3A CHARLES STREET
NEWBURYPORT, MA 01950

43/ 234/K / /
AKEL MITCHELL G TRS
AKEL NOMINEE TRUST
17 HICKORY LN
NORTH READING, MA 01864

43/ 234/U / /
RICCI BETH
234 LOW ST UNIT 21
NEWBURYPORT, MA 01950

43/ 236/F / /
PICKWICK ALLEN C
236 LOW ST UNIT 6
NEWBURYPORT, MA 01950

43/ 234/L / /
BERGLUND ALICE M
PO BOX 239
LYNNFIELD, MA 01940-0239

43/ 234/V / /
PANG TONGGUO
HONGZHU PAN T/E
5 HUNTER DR
NEWBURYPORT, MA 01950

43/ 236/H / /
HUNT PAUL D
236 LOW ST UNIT 8
NEWBURYPORT, MA 01950

43/ 234/M / /
RASCHELLA BARBARA A
PO BOX 905
SEABROOK, NH 03874-0905

43/ 234/W / /
LUSSIER DAVID A
8331 CHOCTAW TRAIL
KISSIMMEE, FL 34747-1324

43/ 236/I / /
FOUR M REALTY LLC
6 NORINO WAY
GEORGETOWN, MA 01833

43/ 234/O / /
CALLAHAN MARGARET E
CHRISTOPHER J HICKEY J/T
PO BOX 631
WOLFEBORO, NH 03894

43/ 234/X / /
MATTOS WILLIAM L TRUSTEE
234-24 NOMINEE TRUST
82 HIGH RD
NEWBURY, MA 01951

43/ 236/J / /
LAWRENCE PATRICIA
PO BOX 1431
NEWBURYPORT, MA 01950

43/ 234/P / /
DANIELS PATRICIA V
234 LOW ST UNIT 16
NEWBURYPORT, MA 01950

43/ 236/A / /
CHIE JAMES CHIUN-CHAI
JULIA YAU-KUEN-J/T
54 LAWTON ST UNIT 1
BROOKLINE, MA 02446

43/ 236/K / /
MELILLO ROBERT MICHAEL
236 LOW ST UNIT 11
NEWBURYPORT, MA 01950

43/ 236/B / /
BUCKLEY GEORGE
10 MADISON ST
NEWBURYPORT, MA 01950



43/ 236/M / /
KOPPANA WILLIAM A JR
236 LOW ST UNIT 13
NEWBURYPORT, MA 01950

43/ 236/N / /
SARDINHA M.L.-HELENA TRS.
MANUEL REALTY TRUST
PO BOX 725
WEST NEWBURY, MA 01985-2725

43/ 236/P / /
THIRKELL MARYLIN
140 MERRIMAC ST
NEWBURYPORT, MA 01950

43/ 236/Q / /
GOSSELIN BENOIT P
PAMELA A T/E
140 WHITEHALL RD
AMESBURY, MA 01913

43/ 236/R / /
MASIA GIUSEPPE C
ANDREA M RIGGILLO-MASIA J/T
24 SCOTLAND HEIGHTS RD
NEWBURY, MA 01951

43/ 236/V / /
HASHEM NICOLE
619 S MAIN ST APT O
BRADFORD, MA 01835

43/ 232/A / /
GOODMAN SUNE M TRUSTEE
NEWBURYPORT CONDOS RLTY TRUST
1 LITTLE OLD TOWN HILL
NEWBURY, MA 01951

43/ 232/K / /
BOUDREAU REBECCA J
232 LOW ST UNIT 11
NEWBURYPORT, MA 01950

43/ 232/U / /
SCIACCA ROBIN P
232 LOW ST UNIT 21
NEWBURYPORT, MA 01950

43/ 232/B / /
FARRELL FRANK J JR
82 SEVOLAN DR
METHUEN, MA 01844

43/ 232/L / /
MALFATONE MILDRED
FRANK M J/T
232 LOW ST UNIT 12
NEWBURYPORT, MA 01950

43/ 232/V / /
MILLIKEN JUDY A
232 LOW ST UNIT 22
NEWBURYPORT, MA 01950

43/ 232/C / /
FOUR M REALTY LLC
6 NORINO WAY
GEORGETOWN, MA 01833

43/ 232/M / /
ROSA JOHN
C/O CHRISTINE CRAVOTTA
63 ROLAND RD
REVERE, MA 02151

43/ 232/W / /
SEXTON SUSAN
THOMAS VINCENT J/T
78 MAIN ST
GROVELAND, MA 01834

43/ 232/D / /
LABONTE DONALD J
TRACY T/E
53 HIGHFIELD RD
NEWBURY, MA 01951

43/ 232/N / /
ROCKETT RICHARD E
232 LOW ST UNIT 14
NEWBURYPORT, MA 01950

43/ 232/O / /
RUBINO JULIE E
34 FRANCES DR
NEWBURYPORT, MA 01950

43/ 234/A / /
COHODAS DENISE G
STEPHEN A T/E
234 LOW ST UNIT 1
NEWBURYPORT, MA 01950

43/ 232/F / /
JACKSON CARL
MARGARET G T/E
60 SCHOOL ST
SAUGUS, MA 01906

43/ 232/P / /
DURAN ELLEN M
232 LOW ST UNIT 16
NEWBURYPORT, MA 01950

43/ 234/B / /
MAGAZZU JENNIFER L
234 LOW ST UNIT 2
NEWBURYPORT, MA 01950

43/ 232/G / /
BARNES STEVEN
232 LOW ST UNIT 7
NEWBURYPORT, MA 01950

43/ 234/C / /
THORNTON DAVID
DIANE M T/E
17 CRESTWOOD RD
NORTH READING, MA 01864

43/ 232/H / /
TURNING POINT INC
5 PERRY WAY
NEWBURYPORT, MA 01950

43/ 232/R / /
NEWTON ROBYN & KEVIN F J/T
LINDA WHITNEY T/C
232 LOW ST UNIT 18
NEWBURYPORT, MA 01950

43/ 234/D / /
GOODMAN SUNE M TRUSTEE
NEWBURYPORT CONDOS RLTY TRUST
1 LITTLE OLD TOWN HILL
NEWBURY, MA 01951

43/ 232/I / /
JENNA REALTY LIMITED LIABILITY CO
C/O SABATINO
PO BOX 464
BYFIELD, MA 01922-0464

43/ 232/S / /
KIRBY DONNA
112 BIDDLE RD
PAOLI, PA 19301

43/ 234/E / /
BERGLUND ALICE M
PO BOX 239
LYNNFIELD, MA 01940-0239

43/ 232/J / /
BROWN MICHAEL D
232 LOW ST UNIT 10
NEWBURYPORT, MA 01950

43/ 234/F / /
KEEFE DENNIS C & LEE A HARRIS TRS
CHARDELE REALTY TRUST II
3A CHARLES ST
NEWBURYPORT, MA 01950

43/ 15/ / /
PORT PLAZA REALTY TRUST
C/O S B K ASSOCIATES
PO BOX 537
MANCHESTER, CT 06040

43/ 61/J / /
PASTORE R & SILVESTRO S R TRS
P & S REALTY TRUST
PO BOX 812-082
WELLESLEY SQUARE, MA 02482

43/ 61/T / /
TABOR NORMAN
61 STOREY AVE UNIT 20
NEWBURYPORT, MA 01950

43/ 61/A / /
BATEMAN DEBORAH J
6 NAYSONS COURT
AMESBURY, MA 01913

43/ 61/K / /
MCMILLEON JOSEPH W
LUCY A T/E
60 LAKE ATTATASH RD
AMESBURY, MA 01913

43/ 61/V / /
KEITH CHRISTOPHER J
RHONDA L T/E
21 BOURBEAU TERR
NEWBURYPORT, MA 01950

43/ 61/B / /
BLINN NELSON D TRS
NELSON D BLINN REVOC. TRUST
60 BAILEY BLVD
HAVERHILL, MA 01830

43/ 61/M / /
JOHNSON MARY A
61 STOREY AVE UNIT 13
NEWBURYPORT, MA 01950

43/ 61/C / /
MKHP LLC
PO BOX 951
NEWBURYPORT, MA 01950

43/ 61/N / /
CHIE JAMES CHIUN-CHAI
CHIE JULIA YAU-KUEN J/T
54 LAWTON ST UNIT 1
BROOKLINE, MA 02446

43/ 61/X / /
TURNING POINT INC
5 PERRY WAY
NEWBURYPORT, MA 01950

43/ 61/D / /
NICKERSON RICHARD D & MADGE H
RICHARD D NICKERSON REVOC LIVING
400 ROBERTS COVE RD
ALTON, NH 03809

43/ 61/O / /
RACIOPPI AMANDA L
61 STOREY AVE UNIT 15
NEWBURYPORT, MA 01950

98/ 23/A / /
E R RENTALS LLC
11 MERRIMAC ST
MERRIMAC, MA 01860

43/ 61/E / /
LABONTE DONALD J &
SHORT TRACY ANNE T/E
53 HIGHFIELD RD
NEWBURY, MA 01951

43/ 61/P / /
STROMAN BRANDON L
526 CATALINA BLVD APT C
REDONDO BEACH, CA 90277

109/ 1/ / /
LOW ST REDEVELOPMENT LLC
6 NORINO WAY
GEORGETOWN, MA 01833

43/ 61/G / /
LAGOULIS JAMES TRS
THRUBURYPORT REALTY TRUST
79 STATE ST
NEWBURYPORT, MA 01950

43/ 61/Q / /
COUGHLIN KEVIN F
NANCY L T/E
35 PINE HILL RD
NEWBURYPORT, MA 01950

109/ 2/B / /
EAST WEST REALTY LLC
6 NORINO WAY
GEORGETOWN, MA 01833

43/ 61/I / /
ASPROGIANNIS SOTIRIOS G
GEORGE
61 STOREY AVE UNIT 9
NEWBURYPORT, MA 01950

43/ 61/S / /
HENLEY WALTER T
LUCY A T/E
64 FARWELL ST
NATICK, MA 01760



CITY OF NEWBURYPORT
MASSACHUSETTS
CITY CLERK'S OFFICE
NEWBURYPORT CITY HALL
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
TEL: 978-465-4407 • FAX: 978-462-7936

RICHARD B. JONES
CITY CLERK

June 1, 2012

Dear Property Owner:

Please be advised that the previous notice dated May 29, 2012 stated incorrectly that there would be a relocation of a pole. There will be an installation of new pole.

Notice is hereby given that a public hearing will be held on the petition of National Grid and Verizon New England Inc. for Hale Street- Install new P17 to serve lot 8 building at #27 Hale Street. Said hearing will be held on Monday, June 11, 2012 at 7:15 pm in the City Council Chamber, City Hall, Newburyport, MA. At that time, all interested parties will have an opportunity to be heard.

A copy of the plan is enclosed.

Sincerely,

A handwritten signature in cursive script, reading "Patricia E. Barker".

Tricia E. Barker
Assistant City Clerk

nationalgrid

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2012 MAY 29 A 11: 31

May 24, 2012

To the City Council of Newburyport
OFFICE OF THE CITY CLERK
60 PLEASANT STREET
PO BOX 550
NEWBURYPORT, MA 01950

Phone: (978) 465-4407

Fax: (978) 462-7936

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s)

If you have any questions regarding this permit please contact:

Tammy Saporito -781-907-3485

Please notify National Grid's Maureen Smith of the hearing date / time

If this petition meets with your approval, please return an executed copy to each of the above named Companies.

National Grid Contact: Maureen Smith; 1101 Turnpike Street; North Andover, MA 01845

Very truly yours,

A handwritten signature in black ink, appearing to read "Jay Dwyer", followed by a stylized flourish or second signature.

Jay Dwyer
Supervisor, Distribution Design

Enclosures

City

Questions contact – Tammy Saporito-781-907-3485

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the City Council of Newburyport, Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 15th day of May 2012.

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

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

12337041 Dated May 15, 2012. Filed with this order

There may be attached to said poles by NATIONAL GRID and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Hale St-Installing new P17 to serve lot 8 building#27 Hale St in Newburyport.

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

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

Massachusetts

City/Town Clerk.
20 ____.

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

Attest:
City/Town Clerk

I hereby certify that on _____, 20____, at _____ o'clock, M
at _____ a public hearing was held on the petition of
NATIONAL GRID and VERIZON NEW ENGLAND, INC.

for permission to erect the poles, wires, and fixtures described in the order herewith recorded, and
that we mailed at least seven days before said hearing a written notice of the time and place of said
hearing to each of the owners of real estate (as determined by the last preceding assessment for
taxation) along the ways or parts of ways upon which the Company is permitted to erect
poles, wires, and fixtures under said order. And that thereupon said order was duly adopted.

City/Town Clerk.

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

Board or Council of Town or City, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of the location order and certificate of
hearing with notice adopted by the _____ of the City of _____
Massachusetts, on the _____ day of _____, 20____, and recorded with the
records of location orders of the said City, Book _____, Page _____. This certified copy
is made under the provisions of Chapter 166 of General Laws and any additions thereto or
amendments thereof.

Attest:
City/Town Clerk

Questions contact – Tammy Saporito-781-907-3485

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

2012 MAY 29 A 11:31

North Andover, Massachusetts

To The City Council
Of Newburyport, Massachusetts

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

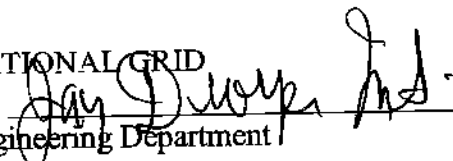
Hale St-Installing new P17 to serve lot 8 building#27 Hale St in Newburyport.
Location approximately as shown on plan attached


Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Hale St-Newburyport Massachusetts

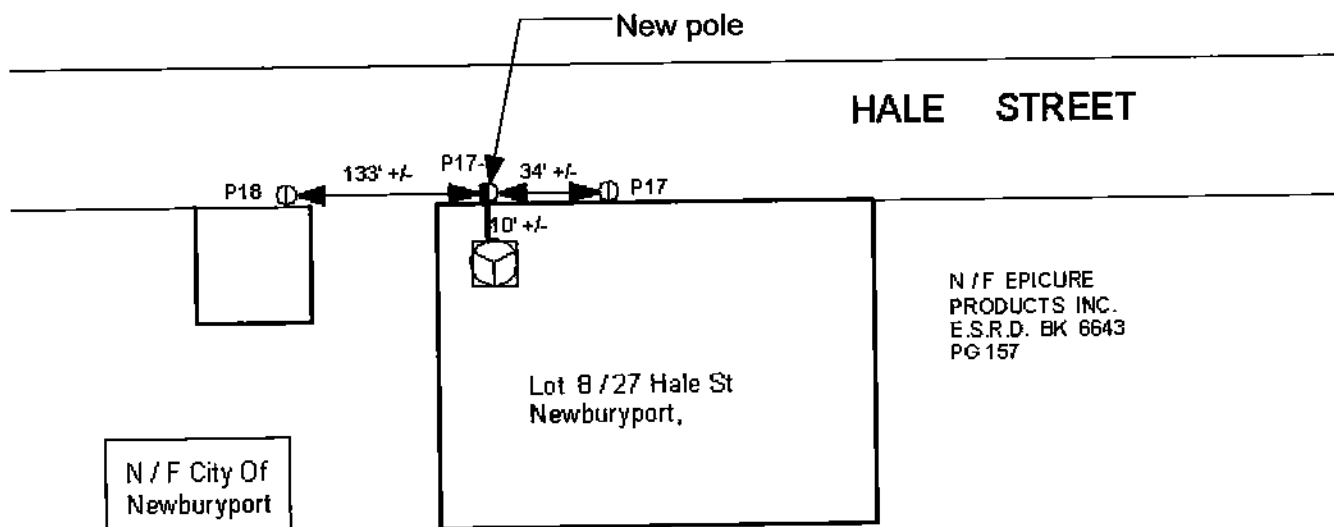
12337041 May 15, 2012

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID
BY 
Engineering Department

VERIZON NEW ENGLAND, INC.
BY 
Manager / Right of Way



N / F EPICURE
PRODUCTS INC.
E.S.R.D. BK 6643
PG 157

Scope of the job;
Installing new P17-1 to serve Lot 8
building # 27 Hale St in Newburyport

JOINT OWNED POLE PETITION		nationalgrid And Verizon New England, Inc.	
<input checked="" type="radio"/> Proposed NGRID Pole Locations		Date: 05/11/2012	
<input type="radio"/> Existing NGRID Pole Locations		Plan Number: 12337041	
<input checked="" type="radio"/> Proposed J.O. Pole Locations		To Accompany Petition Dated: 05/11/2012	
<input type="radio"/> Existing J.O. Pole Locations		To The: Town Of Newburyport	
<input checked="" type="radio"/> Existing Telephone Co. Pole Locations		For Proposed: Inst. Pole: 17-1 Location: Hale St	
<input checked="" type="radio"/> Existing NGRID Pole Location To Be Made J.O.		Date Of Original Grant: N/A	
<input checked="" type="checkbox"/> Existing Pole Locations To Be Removed			
DISTANCES ARE APPROXIMATE			



CITY OF NEWBURYPORT

OFFICE OF THE ASSESSOR

DANIEL RAYCROFT
CITY ASSESSOR

NEWBURYPORT CITY HALL
60 PLEASANT STREET
NEWBURYPORT, MA 01950

TEL: 978-465-4403
FAX: 978-462-8495

WWW.CITYOFNEWBURYPORT.COM

May 29, 2012

TO: Richard Jones, City Clerk

FROM: Board of Assessors

**RE: Hale Street – Install new P17 to serve lot 8 building
at #27 Hale Street**

**The attached are the abutters to the above described
location:**

A handwritten signature in black ink, appearing to read "Daniel Raycroft", with a stylized flourish at the end.

84/ 1/ / /
MYËTTE JERE
38 FRYING PAN LANE
STRATHAM, NH 03885

84/ 1/A / /
CITY OF NEWBURYPORT
VACANT LOT
HALE ST
NEWBURYPORT, MA 01950

84/ 1/C / /
AMERICAN CABLE SYSTEMS
NORTHEAST LTD PARTNER
PROPERTY TAX DEPT
1 COMCAST CENTER,32ND FL
DENVER, CO 19103-2838

96/ 12/ / /
TEIXEIRA JOSEPH C
KUDYM KIMBERLY E J/T
44 HALE ST
NEWBURYPORT, MA 01950

96/ 15/ / /
WU SHIFENG
LAN L. T/E
46 HALE ST
NEWBURYPORT, MA 01950

96/ 181/A / /
SARAFIAN C - ROBERTS M TRS
QUAIL RUN REALTY TRUST
10 PAGE BROOK RD
CARLISLE, MA 01741

CONSENT AGENDA-BEGINNING

CITY COUNCIL MEETING MINUTES - VERSION 1

May 29, 2012

7:30 PM

Council President O'Brien called the meeting to order at 7:30 pm. A moment of silence was held. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Derrivan, Earls, Heartquist, Herzog, Ives, Jones, Sullivan, and O'Brien. 11 present.

- 1. LATE FILES** – On desks committee items 1) Storey Avenue Zoning Amendment, 2) revised order Plum Island Light, 3) Ceia Kitchen and Bar Outdoor Seating

Motion to waive the rules by Councillor Jones, seconded by Councillor Derrivan. 10 yes, 1 no (Derrivan). So voted.

2. PUBLIC COMMENT

- | | | |
|--------------------|--------------------------|--------------------------------|
| 1) Joe Teixeira | 44 Hale Street | Wetlands Ordinance/Zoning Ord. |
| 2) Ed Taylor | 25 Bromfield St. | Tree Ordinance |
| 3) Bethany Raffa | 6 Harris Street | L&P #1 Ceia Kitchen & Bar |
| 4) Paul Bevilacqua | 126 Merrimac St., Unit 3 | Tree Ordinance |
| 5) Jeff Beck | 30 Lime Street | Tree Ordinance |

3. APPROVAL OF MINUTES

May 14, 2012

(Approved)

4. TRANSFERS

- | | |
|--|------------|
| 1. Youth Services Substance Abuse Grant \$12,000 to Drug Free Comm. Grant \$12,000 | (Approved) |
| 2. Police Dept. Off. Holiday Pay \$3,600 to Med Exp \$1,200, to Maint. Of Bldg \$2,400 | (Approved) |

5. COMMUNICATIONS

- | | |
|---|---------------------|
| 1. Taffy's Outdoor Seating for food renewal | (Approved) |
| 2. Warren Street Market & Deli Outdoor Seating for food | (License & Permits) |
| 3. Block Party Application June 30, 2012 Sylvester/Margerie Streets | (Approved) |
| 4. Communication regarding Zoning Changes on Storey Avenue | (P&D) |

6. APPOINTMENTS – First Reading

Appointments

- | | | | |
|-------------------------|------------------|--------------------------|---------------|
| 1. Jennifer Lamarre | 185 High Street | Human Resources Director | July 29, 2015 |
| 2. William B. Squillace | 23 Forest Street | Finance Director | July 29, 2015 |

Removed concurrently by Councillor Herzog.

Motion to receive and file by Councillor Jones.

END OF CONSENT AGENDA

Motion to approve as amended by Councillor Jones, seconded by Councillor Cameron. So voted.

REGULAR AGENDA

7. TRANSFERS

3. Parks Commission Prk Other Supplies \$10,000 to Capital Improv. Stab. Fd. \$10,000

Motion to approve by Councillor Jones, seconded by Councillor Cameron. So voted.

8. APPOINTMENTS – First Reading

Appointments

- | | | | |
|-------------------------|------------------|--------------------------|---------------|
| 1. Jennifer Lamarre | 185 High Street | Human Resources Director | July 29, 2015 |
| 2. William B. Squillace | 23 Forest Street | Finance Director | July 29, 2015 |

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

9. APPOINTMENTS – Second Reading

Appointments

3. Joseph H. Devlin	3 Dexter Lane	License Commission	June 1, 2018
4. Karen Popken	49 Boardman Street	Parks Commission	April 30, 2017
5. Alexander Pittman	4 Norman Avenue	Bartlett Mall Commission	June 1, 2015
6. Cindy Zabriskie	87 Lime Street	Planning Board	June 1, 2017

Motion to approve collectively by Councillor Jones, seconded by Councillor Cameron. Roll call vote, 11 yes.

10. ORDER

1. Drain Layer/Utility Contractor LAD Company

Motion to refer to Public Utilities by Councillor Herzog, seconded by Councillor Jones. So voted.

2. Drain Layer/Utility Contractor Shamrock Landscaping

Motion to refer to Public Utilities by Councillor Herzog, seconded by Councillor Jones. So voted.

3. Establishment of Human Resources Dept. and Finance Dept. per Charter

Motion to refer to General Government by Councillor Cameron, seconded by Councillor Jones. So voted.

11. COMMITTEE ITEMS

Budget & Finance

Councillor Cameron stated that the Budget & Finance meeting for June 6, 2012 has been rescheduled to June 12, 2012 at 6:30pm in the Council Chambers.

In Committee:

1. Mayor/Harbormaster Capital Outlay \$2750 to Harbormaster Salary \$2750 *03/12/2012
2. Mayor/Youth Svcs Free Cash \$24,000 to Gen Admin Maint/Repair City Hall \$24,000 *03/12/2012
3. Police Dept. Off. Sal. \$30,739.78 to Ret. Acct \$24,671.78, to Mayor's Training Acct \$6,068.00 *05/14/2012
4. Mayor/Library Free Cash \$22,000 to Library Building Maintenance \$22,000 *05/14/2012

General Government

In Committee:

1. Campaign Finance Reports – Municipal Forms website posting *05/14/2012

Joint Education

In Committee:

License & Permits

In Committee:

1. Outdoor Seating Application for food for Ceia Kitchen & Bar *04/30/2012

Motion to remove by Councillor Earls, seconded by Councillor Derrivan. Motion to approve by

Councillor Earls, seconded by Councillor Derrivan. So voted.

2. Purple Onion Amended Outdoor Seating for food – expanded area *05/14/2012

Neighborhoods & City Services

In Committee:

1. Newburyport Tree Ordinance *07/22/2010

Motion to remove from Neighborhoods & City Services and Planning & Development by Councillor Connell, seconded by Councillor Cameron. Motion to approve by Councillor Connell, seconded by Councillor Derrivan. Roll call vote 10 yes, 1 no (Sullivan).

Planning & Development

In Committee:

1. Newburyport Tree Ordinance *07/22/2010

Motion to remove from Neighborhoods & City Services and Planning & Development by Councillor Connell, seconded by Councillor Cameron. Motion to approve by Councillor Connell, seconded by Councillor Derrivan. Roll call vote, 10 yes, 1 no (Sullivan).

2. Amend Ord. 6.5 Environment Article II Wetlands – Wetlands Protection *11/28/2011
Motion to remove by Councillor Connell, seconded by Councillor Ives. Motion to approve by Councillor Connell, seconded by Councillor Cameron. Roll call vote, 11 yes.

3. Amend Ord. Sec. III-C Zoning Map Storey Avenue Re-Zoning *02/13/2012
Motion to remove by Councillor Connell, seconded by Councillor Derrivan. Motion to waive the rules to allow one reading for the Ordinance by Councillor Connell, seconded by Councillor Derrivan. Roll call vote 7 yes, 4 no (Cameron, Cronin, Sullivan, O'Brien). Motion failed.

4. Plum Island Lighthouse Lease *04/09/2012
Motion to remove by Councillor Connell, seconded by Councillor Derrivan. Motion to approve by Councillor Connell, seconded by Councillor Derrivan. Roll call vote, 11 yes.

5. Amend Zoning Ordinance Section XII-B , FEMA Maps *04/30/2012

Public Safety

In Committee:

1. Amend Ord. 10-9 Miscellaneous offenses – use or consumption of marijuana *11/28/2011
2. Nbpt Labor Day Festival request for 3 day downtown event Sept. 1-3, 2012 *01/30/2012
3. Amend Ord. 13-180 Parking Resident Harris St. *01/30/2012
4. Community Giving Tree of Boxford donation box *04/30/2012

Public Utilities Committee

In Committee:

1. Street Lighting Recommendation *09/21/2011
2. Drain Layer/Utility Contractor Jamco Excavators, LLC *05/14/2012
3. Drain Layer/Utility Contractor United Utility Corp. *05/14/2012

Rules Committee

In Committee:

12. GOOD OF THE ORDER

Councillor Heartquist spoke about Port Pride.

13. ADJOURNMENT

Motion to adjourn at 8:30 by Councillor Cronin, seconded by Councillor Derrivan. So voted.

COMMUNICATIONS



Neurofibromatosis, Northeast

9 Bedford Street ~ Burlington, MA 01803

781-272-9936 ~ info@nfincne.org

www.nfincne.org

Communication #1

June 11, 2012

Committee

Kate Duff & Dan McKee
Co-Chairpersons

Michelle Donovan
John Duff
Megan Duff
Jill Tozza Feeney
Eileen Flaherty
Peter Gentile
Andres Lessing
Chanda McKee
Kevin McKelvey
Melissa White

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2012 MAY 30 A 8 26

May 10, 2012

President Thomas F. O'Brien
City Council
City Hall
60 Pleasant Street
Newburyport, MA 01950

Dear President O'Brien,

Coast to the Cure takes place on Saturday, September 8. The ride departs from Crane Beach and finishes with a post ride barbeque at Steep Hill Beach on the Crane Estate. Proceeds from the event benefit Neurofibromatosis Northeast and support our mission of finding a cure and treatment for neurofibromatosis by promoting scientific research, creating awareness, and supporting those who are affected by NF.

I am seeking permission to set up a water/rest stop in the parking lot of Cushing Park from 10am-2pm. We utilized the same location last year and found it worked very well. We anticipate roughly 100 participants will be travelling through Newburyport, and, most likely, stopping to take a break and quench their thirst at the designated water stop.

Approximately six volunteers, helmed by a Team Captain, will be assigned to set up and break down the site and distribute water to the cyclists. The set up includes a 6' folding table and 6-8 chairs. The Captain will see to it that all trash is bagged and removed from the site upon his/her departure. We plan on renting a portable toilet for the convenience of the volunteers and participants. The toilet will be delivered on Friday (locked) and picked up on Monday and situated in the corner of the parking lot.

We are happy to provide you with a Certificate of Insurance.

Please don't hesitate to contact me should you have any questions.

Thanks so much for your consideration.

Sincerely,

Sonja Nathan
Director of Special Events

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

An advocate for NF patients and families since 1988

What is NF?

Neurofibromatosis (NF) is a genetic disorder of the nervous system that causes tumors to grow on the nerves anywhere in or on the body at any time. NF is linked to disfigurement, learning disabilities, hearing loss, visual impairments, seizures and cancer.

NF is the most common genetic disorder caused by a single gene and affects three times as many people as muscular dystrophy and cystic fibrosis combined. 50% of NF cases are inherited and 50% are the result of a spontaneous mutation. NF affects both sexes, all races and ethnic groups. To date, there is no prevention, treatment or cure for neurofibromatosis.

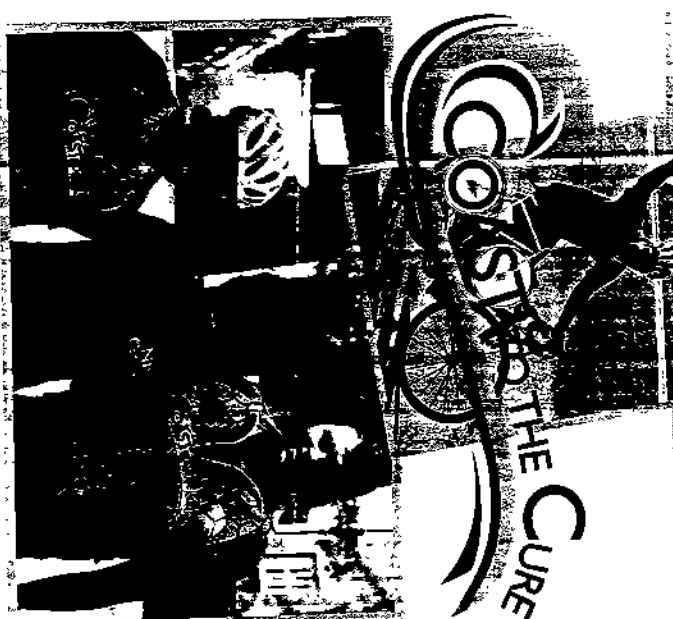


Who are we?

NF, Northeast, a non profit organization, was founded in 1988. Our mission is to find a cure and treatment for neurofibromatosis by promoting scientific research, creating awareness, and supporting those who are affected by NF.

In addition to advocating for funding for NF research at a federal level, we provide support to the NF Clinics at Massachusetts General Hospital and Children's Hospital Boston. We fund critical research at the Harvard Medical School Center for NF and Allied Disorders (CNFAD). We sponsor children to attend a special NF Camp in the summer and are a leading resource for NF patients and their families throughout the northeast.

We thank you for your support.



NF

Neurofibromatosis, Northeast

9 Bedford Street

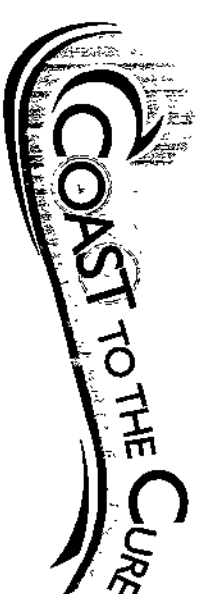
Burlington, MA 01803

781-272-9936 ~ fax 781-272-9937

e-mail: info@nfincne.org

www.nfincne.org

NF



BIKE RIDE TO BENEFIT NEUROFIBROMATOSIS RESEARCH



SATURDAY, SEPTEMBER 8, 2012

Options:

Road Course: 100, 60 or 32 miles

Start/Finish at Crane Beach, Ipswich, MA

Mountain Bike Course: Start/Finish at
Willowdale State Forest, Ipswich, MA

**Post Ride Barbeque at Steep Hill Beach
on the Crane Estate**

Register on the NF, Northeast website
www.nfincne.org

We gratefully acknowledge our sponsors:





Coast to the Cure is an opportunity to ride along the beautiful seacoast or in the natural environs of a state forest while raising funds to cure Neurofibromatosis.

To accommodate all level of riders, the Coast to the Cure Road Course offers three routes of varying lengths: 32, 60 and 100 miles.

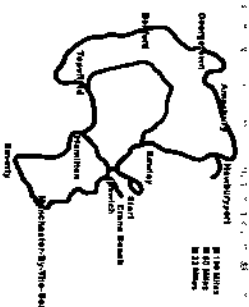
The Mountain Bike Course offers tough climbs, downhill rolls, banked turns and unique single-track elements through the approximately 5 mile course layout, as well as a more leisurely paced family ride.

Upon completion of both rides, returning cyclists will be treated to a barbeque and awards presentation on Steep Hill Beach,

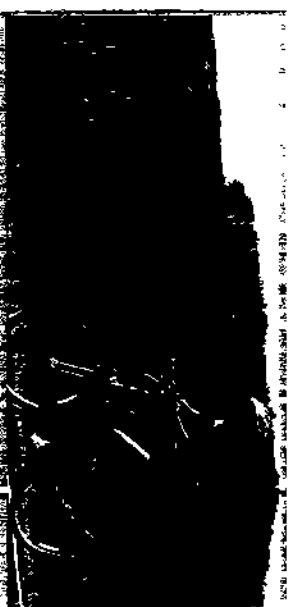


located on the grounds of the Crane Estate. Steep Hill Beach is a private stretch of white sandy beach at the western edge of Crane Beach in Ipswich near the mouth of the Ipswich River.

Coast to the Cure - Road Course travels through the quaint towns of Boston's North Shore and passes along beautiful rivers, lakes and bridges past New England churches, town halls, and farms. The terrain includes rolling hills, long sunny flats, and rural roads. All routes travel by Bradley Palmer State Park and through Manchester-By-The-Sea, Beverly, Hamilton, and Ipswich. The 100 mile ride takes you further north through Georgetown, Amesbury and Newburyport.



The 32, 60, and 100 mile routes stay together until Bradley Palmer State Park at mile 26. Then the 60 and 100 stay together until mile 34 so you can decide then if you're feeling strong enough to ride the 100 miles. The 100 mile route has 4 full rest stops. The 60 and 32 mile routes have 2 stops each.



Coast to the Cure - Mountain Bike Course offers some of the premiere single-track riding in New England. Advanced riders will circle the Willowdale Forest course twice in a timed element. Intermediate riders will find the single-lap layout perfect for a hard morning ride, with the benefit of racing their friends for a great cause! For families and children under 17 a scenic 3-mile course has been designed to enjoy a beautiful ride in the New England woods. The top three finishers in the Advanced Division, along with the top intermediate finisher, will be awarded gift certificates provided by "The Bike Shop of Topsfield".



Event Information

Saturday, September 8, 2012

Road Course

Start/Finish: Crane Beach, Ipswich
Registration opens at 6:30 a.m.
Century ride begins at 7:00 a.m.
with staggered starts to follow

Mountain Bike Course

Start/Finish: Willowdale State Forest, Ipswich
Registration opens at 10:00 a.m.
Advanced race begins at 11:00 a.m.
Intermediate race begins at 11:15 a.m.
Family Ride begins at 11:30 a.m.

Post Event Barbeque

1:00 p.m. - 5:00 p.m. at Steep Hill Beach

Registration Information

***Entry fee - \$50**

\$150 minimum fundraising requirement

Riders raising over \$300 receive the 2012 commemorative jersey.
Riders raising over \$500 will be entered into a grand prize drawing.

*Please see the website for fees for families and children in the Mountain Bike Course.

www.nfincne.org



Coastal Trails Coalition

www.coastaltrails.org

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

June 4 2012

2012 JUN -4 P 1:51

City of Newburyport
City Council
Newburyport MA 01950

Dear City Council,

The Coastal Trails Coalition (CTC) respectfully requests the Council's approval for the second annual Slow Bike Race to be held at Cushing Park on Wednesday August 1 at 6:00 pm. The Parks Commission in April approved the Race originally to held at Cashman Park as it was last year, however, there is a schedule conflict with a basketball tournament, so Ms. Reid suggested Cushing Park as an alternate venue.

The Slow Bike Race is a fundraiser for the CTC and Newburyport Rail Trails. The proposed date of August 1 is during Yankee Homecoming 2012, and was cleared before the Yankee Homecoming Committee (there are no conflicts with previously scheduled events). More information about the Slow Bike Race is below.

The area the Coalition requests to use is the basketball courts section of Cushing Park at the corner of Buck and Washington Streets. The Race would begin and end within that section. The general public as well as spectators would have full access to the playground and large car park section at Kent & Washington St.

If you have any questions, or for additional information visit our website coastaltrails.org or contact Cyd Raschke, Slow Bike Race Coordinator, 978 462 2733.

Thank you for your assistance,

Cyd Raschke
Slow Bike Race Coordinator

Slow Bike Race "Last one across the finish line" wins. "Racing" will begin at 6:00 pm, with registration starting at 5:30 pm at Cushing Park. The Slow Bike Race course is a short one and open to two-wheeled bikes only. Volunteer judges will be on hand to make sure riders do not go backwards, nor touch the ground with their foot or anything else on their person or bicycle!

Riders are encouraged to raise funds for their participation through sponsorships and donations. The minimum contribution to enter is \$25. The Race is a fundraiser for the Coastal Trails Coalition and Newburyport Rail Trails.

PO Box 1016 Newburyport MA 01950



The Exchange Club of Greater Newburyport
P.O. Box 31, Newburyport, MA 01950

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2012 JUN -5 A 8:44

President-Kathleen Bailey, Secretary-Stuart Deane, Treasurer-Mary Sortal, President Elect-Pat Zalewski

June 4, 2012

Richard B. Jones
City Clerk
Newburyport City Hall

Dear Mr. Jones,

On behalf of the Exchange Club of Greater Newburyport I would like to request permission to set up a 10x10 foot tent in Market Square. The purpose of the tent will be to advertize the upcoming 3rd Annual Field of Honor Program taking place at the Bartlett Mall on September 7-10, 2012. In addition we will also be offering for sale the flags to be dedicated on September 9th.

The requested dates are as follows:

Saturday June 23rd
Saturday July 21st
Saturday August 11th
Saturday August 25th

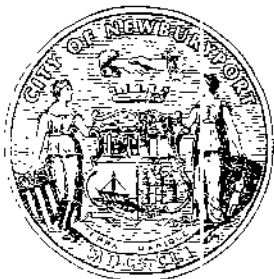
We expect to man the tent from 10 am – 3pm.

Respectfully,

Ben Iacono
Chairman, Field of Honor Flag Sales

978-337-6554

APPOINTMENTS



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

60 PLEASANT STREET - P.O. BOX 550

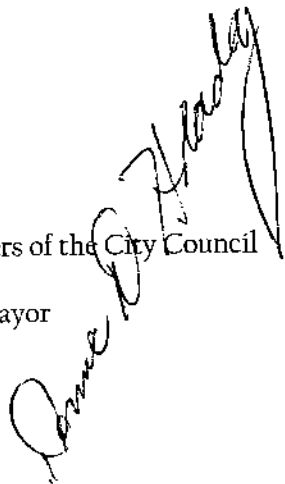
NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

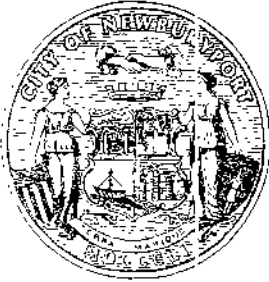
2012 MAY 24 P 1:00

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: May 24, 2012
Subject: Re-Appointment



I hereby re-appoint, subject to your approval, the following named individual as a member of the Council on Aging. This term will expire on May 31, 2017.

Janice Kelley
24 Dorothy Lucey Drive
Newburyport, MA 01950



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2012 MAY 24 AM 11:44

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: May 24, 2012
Re: Re-Appointment

I hereby reappoint, subject to your approval, the following named individual as a member of the Council on Aging. This appointment will expire on May 31, 2017.

Fran Munroe
7 Christopher Street
Newburyport, MA 01950



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

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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2012 MAY 29 P 12:34

To: President and Members of the
City Council

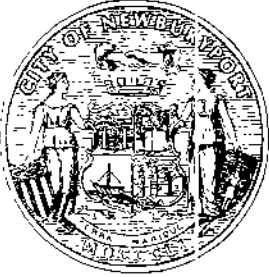
From: Donna D. Holaday, Mayor

Date: May 29, 2012

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 March 31, 2015.

Scott A. Mortimer
59 Marlboro Street
Newburyport, MA 01950



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. BOX 550

NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

Appointment #4
June 11, 2012

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2012 JUN -5 A 11:17

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: June 5, 2012
Subject: Appointment

I hereby appoint, subject to your approval, the following
named individual as a member of the Zoning Board of
Appeals. This term will expire on June 30, 2016.

Richard Goulet
19 Kent Street
Newburyport, MA 01950

June 4, 2012

Honorable Mayor Donna Holaday
City Hall
60 Pleasant Street
Newburyport, MA 01950

Re: Interest in serving on the Zoning Board of Appeals

Dear Madam Mayor,

This letter is to express my interest in serving on the Newburyport Zoning Board of Appeals. It appears there may soon be several openings. I have been a resident of this wonderful city for seventeen years and would love to have an opportunity to be part of its future development. I am employed as Director of Facilities Management with Northern Essex Community College and also as adjunct faculty.

I am a facilities management and planning professional with over thirty years of experience gained in higher education, research and industry in the following areas:

- Managing all aspects of facilities operations with organizations of more than 300 employees and total building space of six million square feet at multiple locations.
- Strategic Planning; campus master plans, space plans, project and capital renewal plans including major project developments working with the Boston Redevelopment Agency(BRA) and other planning agencies in downtown Boston.
- Worked with zoning boards in Medford and Somerville MA and Bristol, RI. As a petitioner.
- Design and construction of new facilities, renovation projects and campus landscape and infrastructure projects.
- Planning efficiency improvements for energy and utilities systems.
- Sponsorship and management of sustainability and environmental stewardship programs.
- Consulting on strategic facilities issues in higher education, municipalities and k-12 districts.
- Preparing and managing large operating and capital budgets.

Academic credentials include:

- MBA, Babson College. BSBA, U Mass Lowell. College Lecturer

A current resume is attached for your review.

I would be honored to be considered for an appointment to the Zoning Board. I can be reached by cell at 978.518.1286 or at home, 978.462.5828.

Thank you so much for your time and I look forward to your reply.

Sincerely,

Richard C. Goulet
19 Kent Street
Newburyport, MA 01950
goulet.richard@comcast.net

Resume

Richard C. Goulet
19 Kent Street
Newburyport, MA 01950
cell (978) 518-1286
home (978) 462-5828
e-mail goulet.richard@comcast.net

(Confidential)

SUMMARY OF EXPERIENCE AND QUALIFICATIONS

Senior facilities management professional with over twenty years of experience in higher education and corporations in the following areas:

- Managing all aspects of facilities operations with organizations of more than 300 employees and total building space of over 6 million square feet at multiple locations.
- Strategic Planning; campus master plans, space plans, capital renewal plans.
- Design and construction of numerous new buildings, renovation projects and campus landscape improvements.
- Guiding projects through local, state, federal and community approval processes.
- Experience working with MA Division of Capital Asset Management (DCAM) and other state agencies. Member of the Commonwealth Facilities Advisory Council.
- Developing deferred maintenance programs.
- Implementing efficiency improvements for energy and utilities systems.
- Sponsorship and oversight of sustainability and environmental stewardship programs.
- Collective bargaining including contract negotiations, grievance and arbitration processes.
- Leading change and developing teams focused on providing excellent service.
- Consulting nationally on campus planning issues in higher education.
- Utilizing outsourcing options to increase service performance.

EMPLOYMENT HIGHLIGHTS

Current	Northern Essex Community College Director of Facilities Management Responsible for maintenance, grounds, custodial, capital projects, energy & utilities management, space planning, event planning and shuttle services for campuses in Lawrence and Haverhill Massachusetts. Total square feet of 500,000. One new 44,000 sf building under construction.
2007 to 2010	Sightlines, LLC National consultants to higher education and K-12 school systems. Director of Consulting Services, Senior Technical Services Consultant Consultant to higher education institutions providing strategic analyses for facility asset planning, facilities operations, energy and utilities, best practice implementation, and space utilization studies.

**January 2003
to 2007**

Sodexo USA, Education Services Division

National outsourcing firm

General Manager Facilities and Capital Projects

Summary of assignments with Sodexo

Roger Williams University, Bristol Rhode Island

Director of Facilities Management & Capital Projects. Contract management of facilities, 1.3 million square feet of buildings.

American International College, Springfield, MA.

Interim General Manager. Start up of a new facilities account, 700,000 square feet.

Arcadia University, Glenside PA.

Interim General Manager for facilities operations and capital projects, 800,000 square feet.

Western Kentucky University, Bowling Green, KY.

Interim General Manager, over 5 million square feet.

Business Development

Part of sales teams to add technical and managerial experience to client presentations.

1994 to 2003

Tufts University, Medford Massachusetts

Private research university

Director of University Facilities

Responsible for all facilities management functions for over 4 million square feet of space on three campuses. Managed an annual operating budget of \$30+ million, annual deferred maintenance budget of \$14 million, 300 employees including over 200 union employees.

1990 - 1994

Marriott Management Services, Inc. (later acquired by Sodexo)

National outsourcing firm

Director of Facilities, Colby-Sawyer College, New London, NH.

Initially as an employee of the college in 1990 then successfully outsourced all facilities operations. Managed over 500,000 square feet of buildings.

CORPORATE EXPERIENCE IN FACILITIES MANAGEMENT (prior to 1990)

Electronic Pre-Press Systems, Inc. Bedford, MA.

A high-tech subsidiary of Eastman Kodak
Director of Corporate Services

Responsible for facilities planning, real estate acquisition, design and construction, maintenance, telecommunications, office services, travel, food services, and security.

Computervision Corporation, Bedford, MA.

High-tech computer manufacturer
Manager of Real Estate Planning, Finance and Administration.

Responsible for long range and annual facilities plans, lease administration, construction budgets and operating budgets for the corporate real estate and facilities group.

Sanders Associates, Inc. Nashua, NH.

Defense contractor
Corporate Auditor, Division Accounting Manager
Corporate Pilot

OTHER PROFESSIONAL EXPERIENCE AND MEMBERSHIP

United States Navy, Naval Aviation
FAA licensed pilot and aircraft mechanic

Member of the Commonwealth Facilities Advisory Council

Adjunct Faculty member for over twenty years

International Association of Campus Law Enforcement Administrators (IACLEA)

Association of Physical Plant Administrators (APPA), the Society for College and University Planners (SCUP)

ACADEMIC CREDENTIALS

MBA, Babson College

BSBA Summa Cum Laude, University of Massachusetts, Lowell

END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

TRANSFERS



City of Newburyport
FY20 12
BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2012 JUN -5 P 2:56

Department: Fire Department

Submitted by: Chief Cutter

Date Submitted: 6/4/2012

Transfer From:

Account Name	Retirement	YTD Bal:	\$	52,848.00
Account Number:	01220001-51901	Trans In:	\$	-
Amount:	\$20,000.00	Trans Out:	\$	4,555.00
Why are Funds Available:	We did not have an anticipated retirement.			

Transfer To:

Account Name	Radios/Pagers	YTD Bal:	\$	-
Account Number:	01220002-52412	Trans In:	\$	-
Amount:	\$20,000.00	Trans Out:	\$	-
Why are Funds Required:	To purchase new pagers to meet the new FCC Narrow Band requirements.			
(See attached).				

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	
Amount:		Trans Out:	
Why are Funds Required:			

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	
Amount:		Trans Out:	
Why are Funds Required:			

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

Donna D. Holaday
William B. Squillace

Date: 6/5/12
Date: 6/5/12



STEPHEN J. CUTTER
FIRE CHIEF

CITY OF NEWBURYPORT

FIRE DEPARTMENT

0 Greenleaf Street, Newburyport, MA 01950
(978) 465-4427 FAX (978) 463-9177



STEPHEN BRADBURY
2012 JUN 5 10:25b
DEPUTY CHIEF

To: Mayor Holaday

From: Stephen Cutter
Fire Chief

Date: May 23, 2012

Re: Fire Department Pagers

Attached is the quote for the new pagers for the department.

As we discussed in the budget meeting we must narrow band our radio system by January 1, 2013. All of the area departments have narrow banded already or are preparing to do so.

We have applied for and received our narrow band license. We can't complete our change-over because our present pagers, Minitor IV's, are not narrow band capable. These pagers are over nine (9) years old. We wish to purchase the newer Minitor V, which is narrow band capable and compliant with the new federal standard.

I have attached the quote from TCS communications in Salisbury who is on the State and Plymouth County Bid list which we are a member of.

The price for the pagers, spare battery, chargers, carrying case and the five year warranty is **\$32,847.50**. The cost includes the extended 5 year warranty which we had in the past and is worth the purchase.

The fifty (50) pagers requested we replace the full time and call firefighter pagers and give us a couple of spares.

I have also attached an informational sheet on the Minitor V for you.

Thank you for your assistance with this.

Stephen Cutter
Fire Chief



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2012 JUN -5 P 2:56

Overview



The Motorola MINITOR V™ two-tone voice pager is ideal for fire departments as well as businesses and other organizations that must react quickly in times of emergency. Its customizable options and dependable reception make it ideal in any rapid-response situation.

How to Buy

Call +1.888.325.9336

Resources Spotlight

[MINITOR V-Brochure 621 KB PDF](#)

[MINITOR V-Data-Brochure 191 KB PDF](#)

[MINITOR V Programming Software V1.2-Software download 7 MB ZIP](#)

Wide and narrow-band programmable channel spacing

Available on VHF and UHF models only

Expanded stored voice

Records up to 8 minutes of voice message for playback.

Silent scan (Dual-frequency model)

Scans both channels silently, alerts on either channel

Priority scan (Dual-frequency model)

Plays all traffic on Channel 2, alerts on Channel 1.

12 alert tones per channel

Supports 8 two-tone pairs and 4 individual long-tone alerts.

Programmable Alerts

Supports 10 different musical alerts

Function mode announcement (Stored Voice option)

Announces programmed operating mode

Certified for hazardous locations

Sealed and sturdy for rugged conditions.

Looking for mobile phones, accessories or other consumer electronics? Or video, voice & data equipment, software and broadband access solutions? Go to Motorola Mobility



85 Lafayette Road
P.O. Box 5192
978-465-7932
tcscommunications.com

Quote

-RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
Quote #: 00040490

2012 JUN -5 P 2:57

Bill To: Newburyport Fire Dept.
0 Greenleaf Street
Newburyport, MA 01950
USA

Ship To: Newburyport Fire Dept.
0 Greenleaf Street
Newburyport, MA 01950
USA

SALESPERSON		YOUR NO.	SHIP VIA	COL	PPD	SHIP DATE	TERMS	DATE	PG.
Todd Williams							Net 30	1/1/2012	1
QTY.	ITEM NO.	DESCRIPTION					PRICE	EXTENDED	TX.
50	A03KMS9239	Minitor V 2CH S/V Vibra Pager					\$500.00	\$25,000.00	
50	R522AA	Express 5 year Warranty					\$80.00	\$4,000.00	
50	R336	Express 3 Year Warranty					\$45.00	\$2,250.00	
50	RLN5707A	Minitor V Battery Pack					\$19.95	\$997.50	
50	RLN5700	Minitor V Nylon Case					\$12.00	\$600.00	
							SALE AMT.	\$32,847.50	
							FREIGHT	\$0.00	
							SALES TAX	\$0.00	
							TOTAL AMT.	\$32,847.50	
							PAID TODAY	\$0.00	
							BALANCE DUE	\$32,847.50	

WITH 5yr
WARRANTY



Transfer #2
June 11, 2012

City of Newburyport
FY 2012
BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2012 JUN -5 P 2:57

Department: Mayor /Fire

Submitted by: Mayor Holaday /Chief Cutter

Date Submitted: 5/14/2012

Transfer From:

Account Name	Free Cash	YTD Bal:	\$ 730,183.57
Account Number:	01-35900	Trans In:	\$ -
Amount:	\$16,327.50	Trans Out:	\$ 1,060,904.43
Why are Funds Available:	<i>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	Fire - Radios/Pagers	YTD Bal:	\$ -
Account Number:	01220002-52412	Trans In:	\$ -
Amount:	\$12,847.50	Trans Out:	\$ -
Why are Funds Required:	<i>To purchase new pagers to meet the new FCC Narrow Band requirements.</i>		
<i>Total cost is \$32,847.50 and the extra \$20,000 needed will come from a transfer from the Fire Retirement Account.</i>			

Transfer To:

Account Name	Gen Admin. M/R Building	YTD Bal:	\$ 36.40
Account Number:	01129002-52401	Trans In:	\$ 9,913.50
Amount:	\$2,575.00	Trans Out:	\$ -
Why are Funds Required:	<i>To pay for emergency repairs to the City Hall elevator.</i>		

Transfer To:

Account Name	Gen Admin. - Supplies (CH)	YTD Bal:	\$ 316.42
Account Number:	01129004-54301	Trans In:	\$ -
Amount:	\$905.00	Trans Out:	\$ -
Why are Funds Required:	<i>Additional funding is required to purchase supplies for City Hall.</i>		

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

Donna D. Holaday
William B. Squillace

Date: 6/5/12
Date: 6/5/12



City of Newburyport
FY20 12
BUDGET TRANSFER REQUEST

Transfer #3
June 11, 2012

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2012 JUN -5 P 2:57

Department: Fire Department

Submitted by: Chief Cutter

Date Submitted: 6/4/2012

Transfer From:

Account Name	Retirement	YTD Bal:	\$	52,848.00
Account Number:	01220001-51901	Trans In:	\$	-
Amount:	\$28,000.00	Trans Out:	\$	4,555.00
Why are Funds Available:	We did not have an anticipated retirement.			

Transfer To:

Account Name	Firefighter Overtime	YTD Bal:	\$	19,358.19
Account Number:	01220001-51301	Trans In:	\$	-
Amount:	\$28,000.00	Trans Out:	\$	-
Why are Funds Required:	Due to an increase in sickness, a vacancy, incidents that needed covering. We tried to figure a worst case scenario to get us through the remainder of the year but if we have any long term illness or major events we may be short.			

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	
Amount:		Trans Out:	
Why are Funds Required:			

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	
Amount:		Trans Out:	
Why are Funds Required:			

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

Donna D. Holaday
William B. Squillace

Date: 6/5/12
Date: 6/5/12



City of Newburyport

FY20 12

BUDGET TRANSFER REQUEST

Transfer #4
June 11, 2012

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2012 JUN -5 P 2:57

Department: Fire Department

Submitted by: Chief Cutter

Date Submitted: 6/4/2012

Transfer From:

Account Name	Firefighter Salaries	YTD Bal:	\$ 22,383.00
Account Number:	01220001-51142	Trans In:	\$ -
Amount:	\$22,000.00	Trans Out:	\$ -
Why are Funds Available:	<i>Due to a new firefighter being hired at a lower salary, a vacant position for a short time and educational incentives not reached.</i>		

Transfer To:

Account Name	Firefighter Overtime	YTD Bal:	\$ 19,358.19
Account Number:	01220001-51301	Trans In:	\$ -
Amount:	\$22,000.00	Trans Out:	\$ -
Why are Funds Required:	<i>Due to an increase in sickness, a vacancy, incidents that needed covering. We tried to figure a worst case scenario to get us through the remainder of the year but if we have any long term illness or events we may be short.</i>		

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	
Amount:		Trans Out:	
Why are Funds Required:			

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	
Amount:		Trans Out:	
Why are Funds Required:			

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

Donna D. Holaday
William B. Squillace

Date: 6/5/12
Date: 6/5/12



City of Newburyport
FY 2012
BUDGET TRANSFER REQUEST

Transfer #5
June 11, 2012

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

Department: DPS - SEWER

Submitted by: Anthony Furnari, Director

Date Submitted: 7/11/2012 2:57 PM

Transfer From:

Account Name	RETAINED EARNINGS	YTD Bal:	\$ 1,546,412.51
Account Number:	61-35900	Trans In:	\$ -
Amount:	\$615,000.00	Trans Out:	\$ 529,413.49
Why are Funds Available:	<i>Certified retained earnings balance from FY2011.</i>		

Transfer To:

Account Name	CIP-GRAF ROAD FORCE MAIN	YTD Bal:	\$ -
Account Number:		Trans In:	\$ -
Amount:	\$450,000.00	Trans Out:	\$ -
Why are Funds Required:	<i>The Graf Road Force Main is one of the most important components of the system. It was installed in the mid 1980's using ductile iron and has failed twice in the past two years. The integrity of the pipe is compromised and needs to be replaced with PVC.</i>		

Transfer To:

Account Name	CIP-WEST END EASEMENT	YTD Bal:	\$ 159,690.12
Account Number:	3406-35900	Trans In:	\$ -
Amount:	\$50,000.00	Trans Out:	\$ -
Why are Funds Required:	<i>This project will provide access to the primary sewer line that services the West End. Phase 1 will consist of the evaluation of the current infrastructure and identification of current and future easements. The outcome of Phase 1 will determine the final cost for Phase 2. This project is necessary to provide access to the line in the event of a sewer line break or back-up.</i>		

Transfer To:

Account Name	CIP-SEWER MAIN REPLACEMENT	YTD Bal:	\$ -
Account Number:		Trans In:	\$ -
Amount:	\$50,000.00	Trans Out:	\$ -
Why are Funds Required:	<i>Funds are needed for design work related to the replacement of the Turkey Hill sewer main and surrounding manholes. The 3,000 foot main and manholes have been compromised as a result of heavy hydrogen sulfite (H₂S) and need to be replaced. DPS hopes to slip line the pipe given the depth, rather than digging, if possible. The total cost of the project will be determined during the initial design phase.</i>		

(Continued on Next Page)

Transfer To:

Account Name	CIP-METER REPLACEMENT PROG	YTD Bal:	\$ -
Account Number:		Trans In:	\$ -
Amount:	\$50,000.00	Trans Out:	\$ -
Why are Funds Required:	<i>The City conducted a system-wide meter replacement at a cost of over \$1 million. Given that meters have a life expectancy of 12-15 years, it is recommended that \$50,000 be funded each year from both the Water and Sewer Enterprise Funds until 2019.</i>		

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
JUN 5 P 2:57

Transfer To:

Account Name	CIP-DPS NETWORK EXPANSION	YTD Bal:	\$ -
Account Number:		Trans In:	\$ -
Amount:	\$15,000.00	Trans Out:	\$ -
Why are Funds Required:	<i>To provide licensed 18 GHz 300 Mb full duplex microwave links to the DPS facility on Perry Way. This design will provide DPS with 300 Mb of bandwidth simultaneously in both directions for a total of 600 Mb. Current connectivity is poor and needs to be improved before the facility is expanded later in the year. Funding will be split evenly between the Water, Sewer and Highway divisions.</i>		

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

Donna D Holaday
William B. Squillace

Date: 6/5/12
Date: 6/5/12



City of Newburyport
FY 2012
BUDGET TRANSFER REQUEST

Transfer #6
June 11, 2012

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2012 JUN -5 P 2:57

Department: DPS - SEWER

Submitted by: Anthony Furnari, Director

Date Submitted: 6/5/2012

Transfer From:

Account Name	PRIMARY CLARIFIERS	YTD Bal:	\$	100,000.00
Account Number:	61-58710	Trans In:	\$	-
Amount:	\$100,000.00	Trans Out:	\$	100,000.00
Why are Funds Available:	<i>Given the ongoing construction at the Wastewater Treatment Facility (WWTF), other elements of the WWTF modernization project need to be completed before the primary clarifiers can be replaced. Therefore, funds could not be used in FY2012.</i>			

Transfer To:

Account Name	CIP-WWTF PRIMARY CLARIFIERS	YTD Bal:	\$	-
Account Number:		Trans In:	\$	-
Amount:	\$100,000.00	Trans Out:	\$	-
Why are Funds Required:	<i>There are two primary clarifiers at the WWTF, both of which are at the end of their expected lives. As only one clarifier can be replaced at a time, we expect to replace one in FY2013 and complete the second replacement when the first clarifier is back online.</i>			

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

Donna D Holaday
William B Squillace

Date: 6/5/12
Date: 6/5/12



Transfer #7
June 11, 2012

City of Newburyport
FY 2012
BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2012 JUN -5 P 2:57

Department: DPS - WATER

Submitted by: Anthony Furnari, Director

Date Submitted: 6/5/2012

Transfer From:

Account Name	RETAINED EARNINGS	YTD Bal:	\$ 1,503,696.45
Account Number:	60-35900	Trans In:	\$ -
Amount:	\$727,163.68	Trans Out:	\$ 6,000.00
Why are Funds Available:	<i>Certified retained earnings balance from FY2011.</i>		

Transfer To:

Account Name	CIP-TANK MAINTENANCE	YTD Bal:	\$ 137,836.32
Account Number:	3402-50000	Trans In:	\$ -
Amount:	\$562,163.68	Trans Out:	\$ -
Why are Funds Required:	<i>To fund the repainting and refurbishment of the March's Hill water tower. Several areas of concern were noted during an inspection of the tank and it was recommended that rehabilitation (painting) is needed in the immediate future to preserve the integrity of the structure.</i>		

Transfer To:

Account Name	CIP-WTR MAIN REPLACEMENT	YTD Bal:	\$ 80,713.82
Account Number:	35-58800	Trans In:	\$ -
Amount:	\$100,000.00	Trans Out:	\$ -
Why are Funds Required:	<i>Annual funding is needed to execute scheduled improvements to the City's aging water distribution infrastructure. In an effort to minimize the impact on the operating budget, funds have been designated each year to this capital account.</i>		

Transfer To:

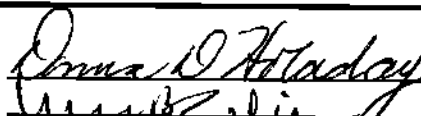
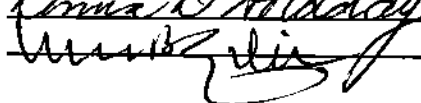
Account Name	CIP-METER REPLACEMENT PROG	YTD Bal:	\$ -
Account Number:		Trans In:	\$ -
Amount:	\$50,000.00	Trans Out:	\$ -
Why are Funds Required:	<i>The City conducted a system-wide meter replacement program in 2008 at a cost of over \$1 million. Given that meters have a life expectancy of 12-15 years, it is recommended that \$50,000 be funded each year from both the Water and Sewer Enterprise Funds until 2023.</i>		

(Continued on Next Page)

Transfer To:

Account Name	CIP-DPS NETWORK EXPANSION	YTD Bal:	\$ RECEIVED
Account Number:		Trans In:	CITY CLERK'S OFFICE
Amount:	\$15,000.00	Trans Out:	NEWBURYPORT, MA
Why are Funds Required:	To provide licensed 18 GHz 300 Mb full duplex microwave links to the DPS facility on Perry Way. This design will provide DPS with 300 Mb of bandwidth simultaneously in both directions for a total of 600 Mb. Current connectivity is poor and needs to be improved before the facility is expanded later in the year. Funding will be split evenly between the Water, Sewer and Highway divisions.		

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

Date: 6/5/12
Date: 6/5/12



City of Newburyport
FY 2012
BUDGET TRANSFER REQUEST

Transfer #8
June 11, 2012

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2012 JUN -5 P 2:57

Department: DPS - WATER

Submitted by: Anthony Furnari, Director

Date Submitted: 6/5/2012

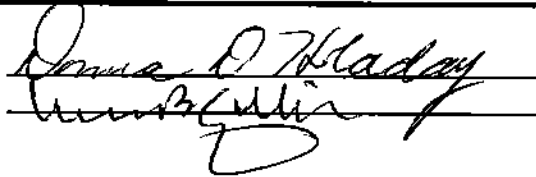
Transfer From:

Account Name	Salary - Business Manager	YTD Bal:	\$	12,692.25
Account Number:	60450001 51103	Trans In:	\$	-
Amount:	\$2,000.00	Trans Out:	\$	-
Why are Funds Available:	<u>The position went unfilled for three months.</u>			

Transfer To:

Account Name	FICA	YTD Bal:	\$	1,962.44
Account Number:	60450001 51770	Trans In:	\$	-
Amount:	\$2,000.00	Trans Out:	\$	-
Why are Funds Required:	<u>This transfer is needed to fully fund FICA expenses through the end of the fiscal year. During FY12, vacant and new positions were filled, which increased the amount of FICA charged to the Water Enterprise Fund each pay period.</u>			

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



Date: 6/5/12
Date: 6/5/12



City of Newburyport
FY 2012
BUDGET TRANSFER REQUEST

Transfer #9
June 11, 2012

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2012 JUN -5 P 2:57

Department: Auditor / Harbormaster

Submitted by: William Squillace, City Auditor
Paul Hogg, Harbormaster

Date Submitted: 6/5/2012

Transfer From:

Account Name	Insurance Claims-RSV APP	YTD Bal:	\$	16,930.00
Account Number:	2741-10400	Trans In:	\$	-
Amount:	\$23,401.59	Trans Out:	\$	44,522.26
Why are Funds Available:	<i>Revenue account used to deposit funds received from insurance companies for covered insurance losses and deductible payments. Funds were received from the insurance company to pay for damage to an outboard motor and potential boat repairs.</i>			

Transfer To:

Account Name	Harbormaster - M/R Boat	YTD Bal:	\$	2,072.39
Account Number:	652002-52420	Trans In:	\$	-
Amount:	\$23,401.59	Trans Out:	\$	-
Why are Funds Required:	<i>During a spring storm the Harbormaster's pump out boat took on water due to a failed bilge pump and the motor and stern of the boat were submerged underwater. The insurance adjuster determined the motor was a total loss and provided an allowance for potential future problems to the stern / boat.</i>			

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

Donna D. Holaday
William B. Squillace

Date: 6/5/12
Date: 6/5/12



City of Newburyport
FY 2012
BUDGET TRANSFER REQUEST

Transfer #10
June 11, 2012

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2012 JUN -5 P 2:57

Department: Health Department

Submitted by: Robert Bracey

Date Submitted: 5/22/2012

Transfer From:

Account Name	Health Dues & Membership	YTD Bal:	\$ 1,842.00
Account Number:	0151007-57300	Trans In:	
Amount:	\$480.00	Trans Out:	\$ 480.00
Why are Funds Available:			
<i>Funds needed for dues and membership renewals were less than anticipated</i>			

Transfer To:

Account Name	Health Misc. Expense	YTD Bal:	\$ 350.94
Account Number:	01510004-54200	Trans In:	\$ 480.00
Amount:	\$480.00	Trans Out:	\$ -
Why are Funds Required:			
<i>To fund purchase of required Beach Signs (10) posting the hours that the beaches are open.</i>			

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	
Amount:		Trans Out:	
Why are Funds Required:			

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	
Amount:		Trans Out:	
Why are Funds Required:			

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

Donna D. Holaday
William B. Squillace

Date: 6/5/12
Date: 6/5/12

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 11, 2012
Date:

THAT the City Council, having reviewed funding recommendations of the Community Preservation Committee, voted to appropriate or reserve a total of \$750,007 from Community Preservation Fund Revenues for the projects, in the amounts, in the categories, and subject to the conditions described in the document entitled, "Newburyport Community Preservation Committee Recommendations for FY13 Appropriations and Reservations," incorporated by reference into this Order.

No.	Project Title	Applicant	Category	Recommended
1	Joppa Park Interpretive Panels	Newburyport Parks Commission	Historic Resource	\$ 11,000
2	City Trees - Green Street Plantings	Newburyport Tree Committee	Historic Resource	\$ 20,000
3	Clipper City Rail Trail and Harborwalk Phase II	Newburyport Planning Office	Recreation	\$100,000
4	Open Space Fund	Open Space Committee	Open Space	\$ 50,000
5	Powder House Restoration Project	Newburyport Preservation Trust	Historic Resource	\$ 8,000
6	Belleville Congregational Church Restoration Project	Belleville Church Restoration Group	Historic Resource	\$ 30,000
7	Custom House 2012 Building Preservation Project	Custom House Maritime Museum	Historic Resource	\$ 60,000
8	Housing Trust	Newburyport Affordable Housing Trust	Affordable Housing	\$ 40,000
9	Housing Rehabilitation Program	City of Newburyport	Affordable Housing	\$ 85,000
10	Open Space Bond Payment	City of Newburyport	Open Space	\$132,819
11	City Hall Bond Payment	City of Newburyport	Historic Resource	\$201,188
12	Administrative Expenses	City of Newburyport	Administration	\$ 12,000

Total \$750,007

Councillor Edward C. Cameron

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2012 JUN -11 A 11: 04

**NEWBURYPORT COMMUNITY PRESERVATION COMMITTEE
RECOMMENDATIONS FOR FY13 APPROPRIATIONS AND RESERVATIONS**

The Newburyport Community Preservation Committee recommends that the City Council appropriate or reserve \$750,007 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 all recommended projects:

- 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 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 rescission 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 22% of local revenue, expected in October 2012.

Attached are:

1. One page summary spreadsheet of CPC recommendations.
2. Recommendations for appropriation or reservation numbers 1-12, 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 2013 total approximately \$762, 814. This figure includes estimated receipts of the local CPA surcharge during fiscal year 2012, accumulated interest, and the anticipated 22% state matching funds to be received in October 2012.

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

Respectfully submitted by:

Community Preservation Committee Members

Michael Dissette, Chair
Daniel Bowie
Mary Louise Gagnon
Judith Grohe
Jane Healey

Paul Healy
Don Little
Margaret Welch
Robert Uhlig

PROJECT NO. 1
JOPPA PARK INTERPRETIVE PANELS

The CPC recommends the appropriation of \$11,000 to the City of Newburyport Parks Commission to install interpretive historic panels at Joppa Park.

The CPA category for this appropriation is Historic Preservation.

Project Summary

The project includes the design, fabrication and installation of four high quality interpretive panels that commemorate the history of Joppa. Joppa Park is a small neighborhood park in Newburyport's South End that runs between Water Street and the Merrimack River. The area is strongly associated with the city's maritime past, having served the shipbuilding, fishing, and clamming industries. The proposed signage will focus on these ties to the waterfront.

The interpretive panels are part of a larger beautification project planned for Joppa Park, which will include new bollards, landscaping, site furnishings, and walkways. The Parks Commission believes that these enhancements will revitalize Joppa, making it an appealing place to stop and enjoy the view and learn about the area's history.

PROJECT NO. 2
CITY TREES GREEN STREET PLANTING PROJECT

The CPC recommends the appropriation of \$20,000 to the City of Newburyport to restore Green Street's historic tree-lined streetscape. The initiative will be managed by the Newburyport Tree Committee with oversight provided by the Department of Public Services.

The primary CPA category for this project is Historic Preservation.

Project Summary

The Tree Committee has developed a full planting plan for Green Street - one of the primary entryways to the downtown. The project will build on recent plantings along Green Street adjacent to City Hall and the Police Station, as well as those within the newly renovated Brown Square. Plantings will consist of 2-inch caliper trees selected for appropriate height and width at maturity based on each location's constraints (sidewalks, overhead wires, etc.).

PROJECT NO. 3
CLIPPER CITY RAIL TRAIL AND HARBORWALK PHASE II

The CPC recommends the appropriation of \$100,000 to the City of Newburyport to support the second phase of the Clipper City Rail Trail Project. The project is managed by the Office of Planning and Development.

The CPA category for this project is Recreation.

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 follow the old City Branch corridor, which runs along the waterfront and through the South End. Eventually the trail will extend along the central waterfront, through the South End, past March's Hill, and back to the MBTA commuter rail station. The entire loop will run approximately three miles, with the potential to connect to other trail networks in neighboring communities. In order to leverage state and federal construction funding to build this next portion of the Rail Trail, the City must first secure funding to complete the design and permitting phase, as well as negotiation of the National Grid lease.

**PROJECT NO. 4
OPEN SPACE RESERVE FUND**

The CPC recommends the reservation of \$50,000 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 possible projects, which may arise in the near future, are in sensitive negotiation phases that 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.

PROJECT NO. 5
POWDER HOUSE RESTORATION

The CPC recommends the appropriation of \$8,000 to the Newburyport Preservation Trust to install interpretive history signage and relocate the "Bicentennial Sign" within the Powder House Park and Learning Center, located at 57 Low Street.

The CPA category for this project is Historic Preservation.

Project Summary

The Newburyport Preservation Trust (NPT), a 501(c)(3), recently completed interior and exterior restoration of the 1822 Powder House, with support from many public and private funding agencies, including the Community Preservation Fund. The next phase of the project includes access and landscaping improvements to create the "Powder House Park and Learning Center." The NPT would use the current CPA award to fabricate and install three interpretive signs in Powder House Park that will showcase for visitors the important role this landmark played in the city's history. Funds would also be used to display in a more appropriate location the preserved 1976 Bicentennial Sign, which was mounted to the building's exterior before restoration.

In fulfillment of a condition from prior year CPA awards, the Powder House is protected by a 99-year preservation restriction held by the Massachusetts Historical Commission. The Massachusetts Historical Commission will need to approve the proposed signage.

PROJECT NO. 6
BELLEVILLE CONGREGATIONAL CHURCH RESTORATION

The CPC recommends the appropriation of \$30,000 to the Belleville Congregational Church to be used for the restoration and preservation of the Belleville Church, located at 300 High Street.

The CPA category for this project is Historic Preservation.

Project Summary

This project is part of the ongoing efforts by the Congregation to restore two historic buildings that constitute the Belleville Congregational Church – the Meeting House (1867) and the Parish Hall (1848). The recommended grant would offset costs to complete the following priority projects:

1. Meetinghouse - restoration of cove and proper returns, removal of a large bee nest and associated damage from wall, and replacement of missing window panes to prevent further deterioration of the building from weather and pest infiltration; and
2. Chapel - regrade the area between the Meetinghouse and Chapel to protect the Chapel from water damage.

The Belleville Congregational Church entered into a 99-year preservation restriction agreement with the City of Newburyport as a condition of a prior year Community Preservation Grant. Proposed restoration work will require the approval of the Newburyport Historical Commission.

PROJECT NO. 7
CUSTOM HOUSE 2012 BUILDING PRESERVATION PROJECT

The CPC recommends the appropriation of \$60,000 to the Newburyport Maritime Society, Inc. for the restoration of the Custom House Maritime Museum, located at 25 Water Street.

The CPA category for this project is Historic Preservation.

Project Summary

The 1835 Custom House holds a prominent place in the City; physically, the building anchors Market Square and historically, it serves as a reminder of our maritime past. It is one of only three surviving examples of New England custom house designs by Robert Mills (1781-1855), architect of the U.S. Treasury and the Washington Monument, D.C., among other important civic buildings. The Newburyport Custom House is further distinguished in that it retains many of its original features including the observatory guardrail, monumental Greek revival entry doors and 2/2 double hung windows.

The recommended funding will help offset costs associated with the continued implementation of recommendations contained in a draft Conservation Assessment Report prepared by Finch & Rose preservation consultants in 2004. Priority projects include restoration of: windows and masonry on the south facade, slate roof, observatory roof, basement windows, entry door hardware, and the southeast chimney. This work will address critical issues of exterior building envelope degradation, water and moisture vapor management, indoor air quality and collections security.

The Custom House is subject to a historic preservation restriction, held by the Newburyport Historical Commission. Proposed restoration work will require NHC approval and oversight.

PROJECT NO. 8
NEWBURYPORT AFFORDABLE HOUSING TRUST

The CPC recommends the appropriation of \$40,000 to the Newburyport Affordable Housing Trust (NAHT) to preserve, create, and support affordable housing opportunities throughout the City. Conditions of this appropriation include:

1. Any funds appropriated from the Community Preservation Fund shall be used only for community housing purposes consistent with, and meeting the requirements of the Community Preservation Act, M.G.L. c.44B; and
2. Annual reports shall be made to the Community Preservation Committee, including separate tracking of CPA appropriations from monies generated by the Trust from other sources.

The CPA category for this project is Community Housing.

Project Summary

The recommended funding will support CPA-eligible activities of the Housing Trust. The Trust has undertaken two major initiatives with its past Community Preservation Grants. First, the NAHT designed and implemented the Down Payment Assistance and MLS Input Only Listing Services Programs in a targeted effort to retain the city's existing affordable housing inventory.

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 \$25,000 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. Four sellers have taken advantage of the program since it was initially offered in late 2010. All four have since sold to eligible buyers.

The second major initiative undertaken by the Trust with support of the CPA is a Housing Production Plan. The NAHT began this comprehensive planning exercise last year to study the city's housing needs and develop policies, projects, initiatives and regulatory changes that will help Newburyport achieve a higher percentage of affordable housing units to support a diverse population and range of incomes. The Trust, along with its consultants, has since prepared a Housing Needs Assessment and draft Housing Plan that will help guide the city's housing efforts over the next five years.

**PROJECT NO. 9
NEWBURYPORT HOUSING REHABILITATION PROGRAM**

The CPC recommends the appropriation of \$85,000 to the City of Newburyport to support the Newburyport Housing Rehabilitation Program, managed by the Community Development Department. This appropriation is made with a condition that any rebates or refunds received back from the Housing Rehabilitation Program grantees resulting from the application of existing CDBG policies, shall be returned to the Community Preservation Affordable Housing Reserve Fund.

The CPA category for this project is Community Housing.

Project Summary

The Newburyport Housing Rehabilitation Program addresses housing needs of low and moderate income households within the city. The Program provides technical and financial assistance to bring properties up to current state and federal codes. Community Development staff assist homeowners through the entire rehabilitation process, including: income qualifying the applicant according to HUD guidelines; preparing cost estimates to bring properties up to code; securing approval as necessary from the Newburyport Historical Commission; managing the bid process; providing contract review; and supervising construction.

Allocation of CPA funds to the Housing Rehabilitation Program allows local residents to safely and securely stay in their homes. Simultaneously, the program helps the city retain its historic character through rehabilitation of older homes. The recommended appropriation will minimally yield eight rehab projects. Each individual housing rehabilitation project is secured through a 15-year lien on the property.

PROJECT NO. 10
OPEN SPACE ACQUISITIONS BOND DEBT PAYMENT

The CPC recommends the appropriation of \$132,819 to the City of Newburyport for the sixth 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. 11
CITY HALL BOND DEBT PAYMENT**

The CPC recommends the appropriation of \$201,188 to the City of Newburyport for the sixth 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. 12
CPA ADMINISTRATIVE COSTS

The CPC recommends the appropriation of \$12,000 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

CITY AUDITOR

DONNA D. HOLADAY
MAYOR

WILLIAM B. SQUILLACE
CITY AUDITOR

NEWBURYPORT CITY HALL
60 PLEASANT STREET
NEWBURYPORT, MA 01950

**TO: CITY COUNCIL PRESIDENT THOMAS O'BRIEN AND
MEMBERS OF THE CITY COUNCIL.**

CC: MAYOR DONNA D. HOLADAY

FROM: WILLIAM SQUILLACE, CITY AUDITOR

DATE: JUNE 4, 2012

RE: RE-AUTHORIZATION OF REVOLVING FUNDS

In accordance with M.G.L. Chapter 44, Section 53 1/2, the City Council must re-authorize City Revolving Funds each fiscal year and approve spending limits for each Revolving Fund.

Below are the Revolving Funds to be re-authorized for FY 2013 together with the proposed spending limits. Also attached is a year-to-date report on current spending activities.

Department	Revolving Fund	Proposed FY 2013 Limit
Building Dept	Plumbing Inspector	\$ 60,000.00
	Gas Inspector	\$ 50,000.00
	Electrical Inspector	\$ 105,000.00
COA	Council on Aging	\$ 30,000.00
Gen Gov	City Hall Maintenance	\$ 25,000.00
Health	Animal Control	\$ 25,000.00
	Transient Vendors	\$ 25,000.00
	Medicare/Medicaid	\$ 50,000.00
Library	South End Branch	\$ 25,000.00
Parking Clerk	Downtown Paid Parking	\$ 650,000.00
Planning	Historical Commission	\$ 10,000.00
	Planning and Zoning	\$ 40,000.00
	Engineering Services	\$ 100,000.00
	Disabilities Commission	\$ 25,000.00
Veterans	Veterans Benefits	\$ 10,000.00
Youth Services	Recreational Services	\$ 225,000.00
	M-School Drop in Center	\$ 100,000.00

CITY OF NEWBURYPORT

REVOLVING FUNDS-FY 2012

YEAR-TO-DATE ACTIVITY

(As of 6.5.2012)

ACCOUNT NAME	ACCOUNT NUMBER	BEG. BALANCE	YTD REVENUE	YTD EXPENDED	YTD BALANCE
REV ZBD/PBD ENGINEERING	2801-000-182-00-000-00000-10400	\$ 46,294.46	\$ 53,571.47	\$ 46,416.97	\$ 53,448.96
REV COUNCIL ON AGING	2802-000-541-00-000-00000-10400	\$ 19,619.77	\$ 25,084.29	\$ 26,604.04	\$ 18,100.02
REV RECREATION SERVICES	2803-000-542-00-000-00000-10400	\$ 68,737.77	\$ 164,045.63	\$ 159,387.85	\$ 73,395.55
REV HISTORICAL COMMISSION	2804-000-182-00-000-00000-10400	\$ 4,117.08	\$ 1,800.00	\$ 150.00	\$ 5,767.08
REV WIRE INSPECTION FEES	2806-000-241-00-000-00000-10400	\$ 34,369.91	\$ 61,859.00	\$ 38,491.41	\$ 57,737.50
REV PLUMBING INSPECT FEES	2807-000-241-00-000-00000-10400	\$ 12,776.73	\$ 36,382.00	\$ 19,118.70	\$ 30,040.03
REV GAS INSPECTION FEES	2808-000-241-00-000-00000-10400	\$ 18,072.54	\$ 26,817.00	\$ 28,472.92	\$ 16,416.62
REV DISABILITIES COMMISSION	2809-000-921-00-000-00000-10400	\$ 3,384.92	\$ 258.90	\$ 1,350.00	\$ 2,293.82
REV SE BRANCH MAINT	2810-000-610-00-000-00000-10400	\$ 8,238.44	\$ 20,820.35	\$ 10,390.56	\$ 18,668.23
REV NBPT MD SCH DROP IN CTR	2811-000-542-00-000-00000-10400	\$ 16,188.87	\$ 88,639.83	\$ 31,194.69	\$ 73,634.01
REV TEMP VENDOR PERMITS	2812-000-421-00-000-00000-10400	\$ 16,935.07	\$ 8,430.00	\$ 7,541.00	\$ 17,824.07
REV PLANNING & ZONING	2813-000-182-00-000-00000-10400	\$ 20,791.55	\$ 20,966.94	\$ 25,855.34	\$ 15,903.15
REV ANIMAL CONTROL OFFICER	2817-000-292-00-000-00000-10400	\$ 9,284.41	\$ 3,160.00	\$ 710.00	\$ 11,733.61
REV VETERANS BENEFITS	2836-000-543-00-000-00000-10400	\$ 2,408.02	\$ 2,485.00	\$ 668.00	\$ 4,225.02
REV DOWNTOWN PAID PARKING	2839-000-417-00-000-00000-10400	\$ 72,591.40	\$ 612,973.81	\$ 323,839.28	\$ 361,725.93
REV CITY HALL MAINT	2840-000-497-00-000-00000-10400	\$ 10,120.40	\$ 10,842.05	\$ 21,031.02	\$ (68.57)
REV MEDICARE REIMB	2835-000-499-00-000-00000-10400	\$ 16,274.27	\$ 3,484.79	\$ 138.81	\$ 19,620.25

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

DATE: June 11, 2012

THAT the revolving account entitled "Plumbing Inspector's Revolving Account" be renewed in accordance with MGL Chapter 44, § 53E½ as amended, Departmental Revolving Account not to exceed \$60,000.00 for FY 2013.

THAT fees from plumbing permits shall be deposited in this account and said revenues deposited in the "Plumbing Inspector's Revolving Account" shall be expended for the Plumbing Inspector's salary and related expenses.

Funds collected shall be spent by the Building Commissioner and under the direction of the Mayor.

Councillor Edward C. Cameron
Chair Budget and Finance Committee

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

DATE: June 11, 2012

THAT the revolving account entitled "Gas Inspector's Revolving Account" be renewed in accordance with MGL, Chapter 44 , § 53E ½ as amended.
Departmental Revolving Account not to exceed \$50,000.00 for FY 2013.

THAT fees from gas permits shall be deposited in this account and said revenues deposited in the "Gas Inspector's Revolving Account" shall be expended for the Gas Inspector's salary and related expenses.

Funds collected shall be spent by the Building Commissioner and under the direction of the Mayor.

Councillor Edward C. Cameron
Chair Budget and Finance Committee

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

DATE: June 11, 2012

THAT the revolving account entitled "Electrical Inspector's Revolving Account" be renewed in accordance with MGL, Chapter 44, §53½ as amended, Departmental Revolving Account not to exceed \$105,000 for FY 2013.

THAT fees from electrical permits shall be deposited in this account and said revenues deposited in the "Electrical Inspector's Revolving Account" shall be expended for Electrical Inspectors salary and related expenses.

Funds collected shall be spent by the Building Commissioner and under the direction of the Mayor.

Councillor Edward C. Cameron
Chair Budget and Finance Committee

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

DATE: June 11, 2012

THAT the City Council of the City of Newburyport establishes a revolving account entitled "Council on Aging Revolving Account" in accordance with MGL Chapter 44, §53 ½ as amended, Departmental Revolving Account not to exceed \$30,000.00 for FY 2013.

THAT these funds will be used to fund senior citizen programs, class instructor fees, fees for reservations and tickets related to trips and functions, and program supplies and equipment. Funds from this account shall be spent by the Council on Aging Director under the direction of the Mayor.

Councillor Edward C. Cameron
Chair Budget and Finance Committee

City of Newburyport



IN CITY COUNCIL

ORDERED:

DATE: June 11, 2012

THAT, the Newburyport City Council approve the establishment of the “ City Hall Revolving Fund” in accordance with M.G.L., Chapter 44, Section 53E ½. The source of funds shall be fees, charges, and donations paid to the City for the use and rental of City Hall facilities by outside groups, organizations, and individuals.

THAT, funds from the “ City Hall Revolving Fund” shall be used to pay expenses associated with City Hall maintenance, repairs, renovations, up-keep, and security.

THAT, the expenditure of funds from the “City Hall Revolving Fund” shall be subject to the approval of the Mayor and shall not exceed the annual spending cap approved by the City Council. Said Fund is not to exceed \$25,000 for FY 2013.

Councilor
Edward Cameron
Chairperson B&F Committee

IN CITY COUNCIL

ORDERED:

DATE: June 11, 2012

THAT, the City Council of the City of Newburyport approve the establishment of the "Animal Control Revolving Fund" in accordance with M.G.L., Chapter 44, § 53E ½. The source of funds shall be fees and donations associated with animal control and animal shelter activities throughout the City of Newburyport.

THAT, funds from the "Animal Control Revolving Fund" shall be used to offset City expenses associated with carrying out animal control and animal shelter operations.

THAT, funds from the "Animal Control Revolving Fund" be spent by the Health Department Director in consultation with the Newburyport Board of Health and under the direction of the Mayor. Said Fund is not to exceed \$ 25,000.00 for FY 2013.

Councillor Edward C. Cameron
Chair Budget and Finance Committee

IN CITY COUNCIL

ORDERED:

DATE: June 11, 2012

THAT the Newburyport City Council approve and reauthorize the establishment of a revolving Fund for "Transient Vendors, Hawkers and Peddlers", as defined in Section 9-131 of the City of Newburyport Code of Ordinances. The source of funds shall be license fees charged to "Transient Vendors, Hawkers and Peddlers" doing business within the Newburyport City limits. Said Revolving Fund shall be established in accordance with MGL, Chapter 44, § 53E ½.

THAT funds from the "Transient Vendors, Hawkers and Peddlers" Revolving Fund be used to maintain City Streets, Ways, Parks, Walkways and other public areas throughout the City. In addition, funds shall be used to offset City expenses associated with carrying out holiday celebrations, special activities, and other public events, as well as Health Department activities.

THAT funds from the "Transient Vendors, Hawkers, and Peddlers" Revolving Fund be spent by the Director of Public Health under the direction of the Mayor. Said fund is not to exceed \$25,000 for FY 2013.

Councillor Edward C. Cameron
Chair Budget and Finance Committee

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

DATE: June 11, 2012

THAT the City Council of the City of Newburyport approves the establishment of a revolving Fund relative to Medicare/Medicaid re-imbursements to the Health Department. The source of funds shall be re-imbursements charged to The State of federal Medicare/Medicaid programs. Said Revolving Fund shall be established in accordance with MGL, Chapter 44, § 53E ½.

THAT funds from the Medicare/Medicaid re-imbursement Revolving Fund be used to maintain emergency planning programs and to allow response to emergencies. In addition, funds shall be used to offset City expenses associated with carrying out Health Department activities.

THAT funds from the Revolving Fund be spent by the Director of Public Health under the direction of the Mayor. Said fund is not to exceed \$50,000 for FY 2013.

Councillor Edward C. Cameron
Chair Budget and Finance Committee

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

DATE: June 11, 2012

THAT the City Council of the City of Newburyport approve the establishment of a Revolving Fund for the maintenance and repair of the South End Branch Library in accordance with MGL Chapter 44, § 53E ½. The source of funds shall be income received from the rental of the apartment located on the second floor of said Branch Library building.

THAT funds from the "South End Branch Library Revolving Fund" shall be spent by the Library Director in consultation with the DPW Director and under the direction of the Mayor. Said fund is not to exceed \$25,000 for FY 2013.

Councillor Edward C. Cameron
Chair Budget and Finance Committee

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

DATE: June 11, 2012

THAT the CITY COUNCIL of the CITY OF NEWBURYPORT establish a revolving account entitled "Downtown Paid Parking Account" in accordance with MGL Chapter 44, Section 53E½ as amended. Paid Parking Lots encompassed by this account shall be the Central Business District Lot, State Street Lot, Tracey Place Lot, Newburyport Redevelopment Authority East Lot, Newburyport Redevelopment Authority West Lot, and Waterfront Trust Lot. All receipts from the City Clerk/Parking Clerk's downtown paid parking program, including parking fees, violation fines, and passes, shall be credited to the revolving account. Expenditures from the revolving account will include: a) all annual operational costs of the downtown paid parking program, including without limitation, maintenance of the parking lots' asphalt and gravel surfacing, lighting, landscaping, and snow removal, equipment, supplies, and signage, and parking enforcement officers; b) monthly payments to the Newburyport Redevelopment Authority in an amount equal to its meter revenue from said East and West Lots c) contractual payments to the Newburyport Waterfront Trust; d) annual capital reserve allocations towards cyclical replacement of revenue collection machines and re-surfacing of the asphalt parking lots; e) not less than \$50,000 per year towards the general stewardship, care, maintenance, and improvement of the downtown's public infrastructure, including but not limited to sidewalks, curbing, stairways, lighting, trees and landscaping and amenities; and f) other capital projects and general fund transfers as determined by the Mayor and the City Council based on the program's net income after the above categories of expenditure have been satisfied. Expenditures from the revolving account shall not exceed \$650,000 for the FY 2013. The revolving account will be managed by the City Clerk/Parking Clerk, and funds from this account shall be expended by the City Clerk/Parking Clerk under the direction of the Mayor.

Councilor
Edward Cameron
Chairperson B&F Committee

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

DATE: June 11, 2012

THAT, the City Council of the City of Newburyport approves the establishment of a Historical Commission Revolving Fund in accordance with M.G.L., Chapter 44, § 53 ½ as amended. Said account is not to exceed \$10,000 for FY 2013.

Funding will come from Historical Commission application fees and will be used for the administration of Historical Commission operations including office supplies and technical assistance.

Fees collected from said fund shall be spent by the Director of Planning in cooperation with the Historical Commission and under the direction of the Mayor.

Councillor Edward C. Cameron
Chair Budget and Finance Committee

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

DATE: June 11, 2012

THAT the City Council of the City of Newburyport approves the establishment of a Planning & Zoning Revolving Fund in accordance with MGL Chapter 44, § 53E ½ as amended. Said account in not to exceed \$40,000 for FY 2013.

Funding will come from planning and zoning service and application fees and will be used for planning and zoning related purposes including: consultant's fees, legal expenses, and other costs associated with project reviews and planning activities.

Funds collected shall be spent by the Director of Planning, in consultation with the respective boards, and under the direction of the Mayor.

Councillor Edward C. Cameron
Chair Budget and Finance Committee

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

DATE: June 11, 2012

THAT the City Council of the City of Newburyport approve the establishment of an Engineering Services Revolving Fund for the purpose of providing professional oversight relative to development projects throughout the City, in accordance with MGL, Chapter 44, § 53E ½. Said Revolving Fund shall be used to pay expenses associated with the engagement, by the City, of engineers, architects, and other professionals qualified to evaluate various aspects of development projects and to advise the City accordingly,

THAT the source of funds shall be charges to developers who have applications before the City. The charges shall be an amount equal to the cost of acquiring the required professional service. The Planning Director, under the direction of the Mayor, shall make expenditures from the "Engineering Services Revolving Fund". The Fund shall not exceed \$100,000.00 in FY 2013.

Councillor Edward C. Cameron
Chair Budget and Finance Committee

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

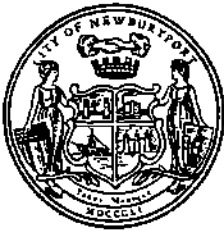
DATE: June 11, 2012

THAT the City Council of the City of Newburyport approve the establishment of a Revolving Fund for the Commission on Disabilities in accordance with MGL, Chapter 44, § 53E ½. The source of funds shall be Handicapped Parking Fines which shall be deposited into the Fund and used to cause the full integration and participation of people with disabilities throughout the City of Newburyport. The fund shall also be used to assist the Commission in their efforts to advise, assist, research, coordinate, review and make recommendations about the policies, provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability; and to coordinate activities of other local groups organized for similar purposes.

THAT the funds from the "Disabilities Commission Revolving Fund" be spent by the Disabilities Commission under the direction of the Mayor. Said fund is not to exceed \$25,000 for FY 2013.

Councillor Edward C. Cameron
Chair Budget and Finance Committee

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

DATE: June 11, 2012

THAT the City Council of the City of Newburyport approve the establishment of a Revolving Fund for the benefit of Veterans in accordance with MGL, Chapter 44, § 53E ½. Said Revolving Fund shall be used to pay expenses associated with goods and services benefiting Veterans residing in the City of Newburyport and their families

THAT the source of funds shall be the sale of grave markers, donations, gifts, and grants received from the general public, government entities, private corporations, and charitable foundations. Expenditures from the "Veterans Revolving Fund" shall not exceed \$10,000 for Fiscal Year 2013 and be spent by the Director of Veteran's Services, under the direction of the Mayor.

Councillor Edward C. Cameron
Chair Budget and Finance Committee

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

DATE: June 11, 2012

THAT the City Council of the City of Newburyport establishes a revolving account entitled "Recreational Services Revolving Account" in accordance with MGL Chapter 44, § 53 E ½ as amended, Departmental Revolving Account not to exceed \$225,000 for FY 2013.

THAT these funds will be used to fund recreational services in the City of Newburyport including program supplies, materials and equipment, class instructor fees, fees for reservations and tickets related to trips and functions, and other cost related to the provisions of recreational services.

Expenditures and disbursements of funds from this account shall be made by the Director of Youth Services, or designated representative. The execution of said expenditures shall be made via voucher and will be subject to approval for payment by the Mayor and City Auditor in accordance with Massachusetts General Law and with consideration of the recommendations and advice of the Youth Commission.

Councillor Edward C. Cameron
Chair Budget and Finance Committee

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

DATE: June 11, 2012

THAT the City Council of the City of Newburyport approve the establishment of a Revolving Fund for the operation of the "Newburyport Middle School Drop-In-Center" in accordance with MGL, Chapter 44, § 53E ½. Said Revolving Fund shall be used to pay expenses associated with the operation of the Drop-In-Center, including staff salaries, equipment, materials, supplies, and other costs related to Drop-In-Center programs and activities.

THAT the source of funds shall be donations, gifts and grants received from the general public, government entities, private corporations and charitable foundations. In addition, that the City Council approve the acceptance and expenditure of said funds in accordance with MGL Chapter 44, § 53A. Expenditures from "Newburyport Middle School Drop-In-Center Revolving Fund" shall not exceed \$100,000 FY 2013.

THAT funds from said fund shall be spent by the Youth Commission under the direction of the Mayor.

Councillor Edward C. Cameron
Chair Budget and Finance Committee

COMMITTEE ITEMS



CITY OF NEWBURYPORT

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2012 MAY 31 P 3:54

IN CITY COUNCIL

June 11, 2012

ORDERED:

Date:

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-A Establishment of Districts

Add the following Zoning District:

Floodplain Overlay District FOD

III-B Description of Districts

Delete the Term and description of "Floodplain 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), 25009C0117F (117F), 25009C0128F (128F), 25009C0129F (129F), 25009C0133F (133F), 25009C0136F (136F), 25009C0137F (137F), and 25009C0141F (141F) dated July 3, 2012. 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 3, 2012. 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.

Section IV: Application and Interpretation

IV-C Existing Buildings and Land

Delete the phrase "In all other areas of the Plum Island Barrier Beach outside of the V-Zone and AO-Zone," and replace said phrase with the following:

"On Plum Island (which is a Barrier Beach),"

Section VI: Dimensional Controls

VI-H Buildings in floodplains

Delete said Section in its entirety and replace said Section with the following:

VI-H Buildings in the Floodplain Overlay District

Dimensional controls shall apply to buildings located in the Floodplain Overlay District. Additional regulations are contained in subsequent sections of this Ordinance.

Section XIII: Floodplain District Regulations

Delete said Section in its entirety and replace said Section with the following:

Section XIII: Floodplain Overlay District Regulations

XIII-A Statement of Purpose

The general purpose of this section is to effectively protect the water resources of the City with zoning provisions that regulate development in floodplains in a manner that, at a minimum, meets the requirements of the Federal Emergency Management Administration (FEMA) for participation in their National Flood Insurance Program (NFIP).

Specifically, the purposes of the Floodplain Overlay District are to:

- 1) Ensure public safety through reducing the threats to life and personal injury;
- 2) Eliminate new hazards to emergency response officials;
- 3) Prevent the occurrence of public emergencies resulting from water quality, contamination, and pollution due to flooding;
- 4) Avoid the loss of utility services which if damaged by flooding would disrupt or shut down the utility network and impact regions of the community beyond the site of flooding;
- 5) Eliminate costs associated with the response and cleanup of flooding conditions; and
- 6) Reduce damage to public and private property resulting from flooding waters.

- 7) Discourage the development of hazard-prone areas so as to reduce damage, cleanup costs and repetitive loss, particularly in response to reports by FEMA and other federal and state agencies indicating that sea levels will rise during the coming decades.

XIII-B Definitions

The following definitions shall apply to the interpretation and implementation of terms used in this Section:

AREA OF SPECIAL FLOOD HAZARD is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A, AO, AH, AE, or VE.

BASE FLOOD means the flood having a one percent chance of being equaled or exceeded in any given year.

COASTAL HIGH HAZARD AREA means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone VE.

DEVELOPMENT means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

DISTRICT means Floodplain Overlay District.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) administers the National Flood Insurance Program. FEMA provides a nationwide flood hazard area mapping study program for communities as well as regulatory standards for development in the flood hazard areas.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY means an examination, evaluation, and determination of flood hazards, and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOODWAY means the channel of a stream plus any adjacent floodplain areas that must be kept free from encroachment so that the 1% annual chance flood (base flood) can be carried without substantial increases in flood heights. The Floodway boundaries are indicated on the Flood Insurance Rate Maps.

LOWEST FLOOR means the lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor,

PROVIDED that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of NFIP Regulations 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

NEW CONSTRUCTION means, for floodplain management purposes, structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the City, including this Ordinance. For the purpose of determining insurance rates, NEW CONSTRUCTION typically means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later.

ONE-HUNDRED-YEAR FLOOD - see BASE FLOOD.

REGULATORY FLOODWAY - see FLOODWAY

SPECIAL FLOOD HAZARD AREA means an area having special flood and/or flood-related erosion hazards, and shown on a FIRM as Zone A, AO, A1-30, AE, A99, AH, V, V1-30, VE.

STRUCTURE means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. STRUCTURE, for insurance coverage purposes, typically means a walled and roofed building, other than a gas or liquid storage tank, that is principally above ground and affixed to a permanent site, as well as a manufactured home on foundation. For the latter purpose, the term includes a building while in the course of construction, alteration, or repair, but does not include building materials or supplies intended for use in such construction, alteration, or repair, unless such materials or supplies are within an enclosed building on the premises.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either (a) before the improvement or repair is started, or (b) if the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

ZONE A means the 100-year floodplain area where the base flood elevation (BFE) has not been determined. To determine the BFE, use the best available federal, state, local, or other data.

ZONE AE (for new and revised maps) means the 100-year floodplain where the base flood elevation has been determined.

ZONE AH and ZONE AO means the 100-year floodplain with flood depths of 1 to 3 feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

ZONE X are areas identified in the community Flood Insurance Study as areas of moderate or minimal flood hazard. Zone X replaces Zones B and C on new and revised maps.

ZONE VE (for new and revised maps) means a special flood hazard area along a coast subject to inundation by the 100-year flood with additional hazards due to velocity (wave action). Base flood elevations have been determined.

XIII-C Establishment

- 1) Establishment: There is hereby established a Floodplain Overlay District which shall be governed by the regulations specified in this section.
- 2) Floodplain Overlay District Boundaries: See Section III-B "Floodplain Overlay District"
- 3) Base Flood Elevation and Floodway Data:

A) Floodway Data

In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local, or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence of the base flood discharge.

B) Base Flood Elevation Data

Base flood elevation data is required for any subdivision proposal, any new building or development, and any other development that would result in additional impervious surface within any area of the Floodplain Overlay District.

Within Zone A, where the base flood elevation is not provided on the FIRM, the building Commissioner shall obtain and review any already existing base flood elevation data.

XIII-D Applicability

- 1) Applicability: No structure or building shall be erected, constructed, expanded, substantially improved, or moved and no earth or other materials shall be dumped, filled, excavated, transferred, or otherwise altered in the Floodplain Overlay District except in accordance with this Section.
- 2) General Exemptions: For the purposes of this Section, a permit shall not be required for any demolition or other activity that reduces impervious surface on a lot within the Floodplain Overlay District. This exemption applies only to this Section of the Ordinance.
- 3) Emergency Repairs: The requirements of this Section shall not apply to emergency repairs or projects necessary for the protection of the health, safety or welfare of the general public which are to be performed or which are ordered to be performed by a City department, or the commonwealth, or a political subdivision thereof. In no case shall any filling, dredging, excavating, or otherwise extend beyond the time necessary to abate the emergency.

XIII-E Development Regulations and Construction Standards

- 1) Reference to Existing Regulations: The Floodplain Overlay District is established as an overlay district to all other districts. All development in the district, including structural and non-structural activities, whether permitted by right or by special permit must be in compliance with the following:
 - A) Massachusetts General Laws (M.G.L.), Chapter 131, Section 40 (The Wetlands Protection Act)
 - B) Sections of the Massachusetts State Building Code which address floodplain and coastal high hazard areas (currently 780 CMR including but not limited to Section 2102.0 entitled "Floodplain Resistant Construction");
 - C) Wetlands Protection Regulations, Department of Environmental Protection (DEP) (currently 310 CMR 10.00);
 - D) Inlands Wetlands Restrictions, DEP (currently 310 CMR 13.00);
 - E) Coastal Wetlands Restrictions, DEP (currently 310 CMR 12.00);
 - F) Minimum Requirements for the Subsurface Disposal of Sanitary Sewage, DEP (currently 310 CMR 15, Title 5);

Any variance from the provision and requirements of the above referenced state regulations may only be granted in accordance with the required procedures of these state regulations.

- 2) Coastal High Hazard Areas: Located within the Floodplain Overlay District are areas designated as coastal high hazard areas (Zone V and Zone VE). Since these areas are extremely hazardous due to high velocity waters from tidal surges and hurricane wave wash, the following provisions shall apply:
 - A) All proposals must adhere to the requirements of Section XIII-E(1)
 - B) All new construction shall be located landward of the reach of the mean high tide.

- C) Manmade alteration of sand dunes, which would increase potential flood damage, is now prohibited.

3) Floodway Development Prohibited:

All encroachments, including fill, new construction, substantial improvements to existing structures, and other development are prohibited unless certification by a registered professional engineer is provided by the applicant demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the one-hundred-year flood (1% annual chance) within Zones A, AE, AO, VE and X. Only construction which is located at or above eleven and one-half (11½) feet elevation (see North American Vertical Datum of 1988) will be permitted. Exceptions will require approval of the Building Commissioner and Conservation Commission of the City of Newburyport.

4) Flood Prevention in Subdivisions: All proposed subdivisions must be designed to assure that:

- A) The proposed project will minimize flood damage;
- B) All public utilities and facilities are located and constructed to minimize or eliminate flood damage; and
- C) Adequate drainage is provided to reduce exposure to flood hazards.

5) Consideration of New Scientific and/or Engineering Data:

Where the applicant for a permit provides documentation of an approved Physical Map Revision (PMR) or Letter of Map Change (LOMC) [i.e. Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR) or Letter of Map Revision Based on Fill (LOMR-F)] from FEMA for the subject property subsequent to the baseline FEMA/FIRM maps adopted herein and referenced in Sections III-B and III-C, the requirements of Section XIII: "Floodplain Overlay District Regulations" shall be reduced to the extent that portions of the subject property (and/or related structures) are no longer considered by FEMA to be within the applicable floodplain district and/or floodway.

Copies of applicable PMR and LOMC approvals from FEMA shall be kept on file in the Office of the Building Inspector and Office of Planning & Development.

6) Notification of Watercourse Alteration: The Office of Planning and Development shall notify, in a riverine situation, the following agencies (and their future or successor agencies) of any alteration or relocation of a watercourse:

- A) Adjacent (Abutting) Communities
- B) NFIP State Coordinator
Massachusetts Department of Conservation and Recreation
251 Causeway Street, Suite 600-700
Boston, MA 02114-2104

C) NFIP Program Specialist
Federal Emergency Management Agency, Region I
99 High Street, 6th Floor
Boston, MA 02110

Councillor Allison Heartquist



CITY OF NEWBURYPORT
OFFICE OF PLANNING AND DEVELOPMENT
60 PLEASANT STREET • P.O. BOX 100
NEWBURYPORT, MA 01950
(978) 465-4400 • (978) 465-4401
RECORDED
CITY CLERK'S OFFICE
2012 MAY 31 P 3:54

May 24, 2012

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

Re: **Planning Board Report on Proposed Zoning Amendment
Floodplain Overlay District Regulations Required by FEMA**

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

In accordance with the procedures established in Massachusetts General Laws (M.G.L.) Chapter 40A §5 and Chapter 12 of the Newburyport Zoning Ordinance (NZO), the Planning Board offers a favorable report with recommendation on the above referenced and proposed amendment to the NZO.

Background

The proposed amendment to the NZO will incorporate changes to the Floodplain Overlay District requirements established by the Federal Emergency Management Agency (FEMA) for continued participation in the National Flood Insurance Program (NFIP).

Communities throughout Essex County, Mass., are receiving updated flood hazard maps as part of the Federal Emergency Management Agency's (FEMA's) nationwide program to modernize Flood Insurance Rate Maps (FIRMs). The new Essex County maps are scheduled to become effective on July 3, 2012.

The City of Newburyport, Federal Emergency Management Agency (FEMA) and the Massachusetts Department of Conservation and Recreation (DCR) Flood Hazard Management Program (FHMP) held a Community Outreach Meeting and Open House for Newburyport residents to learn more about these changes on May 8, 2012.

Flood hazard maps, also known as Digital Flood Insurance Rate Maps (DFIRMs), indicate whether properties are in areas of high, moderate or low flood risk. Communities like Newburyport must use the new DFIRMs so that all property owners can maintain eligibility for the National Flood Insurance Program (NFIP).

The proposed Zoning Ordinance amendment contains language required by the federal government and does not substantially alter the existing requirements and limitations on floodplain development. The most noticeable difference between the new maps issued by FEMA and earlier flood maps is that many new properties on Plum Island are within a special flood hazard area known as the velocity zone, where flooding impacts are expected to be exacerbated by wave action during storms in the coming years.

Public Hearing

The Planning Board and City Council Planning & Development Committee jointly held a public hearing in the City Council Chamber at 5:30 p.m. on May 24, 2012 to consider this proposed amendment. Following its public review, the Planning Board voted to recommend favorable adoption of the proposed amendment as shown in the revised copy attached hereto, containing two minor verbiage corrections suggested by the state Flood Hazard Mapping Coordinator.

Recommendation

As it is mandated that the City adopt the proposed Ordinance changes prior to July 3, 2012 for participation in the National Flood Insurance Program (NFIP), we strongly suggest that the Council act favorably on this Ordinance amendment no later than June 11 (first reading) and June 25 (second reading).

The Planning Board appreciates your consideration of these recommendations. Please do not hesitate to contact me at (978) 465-4400 if you have any questions regarding this, or any other, planning initiatives.

Very truly yours,



Andrew R. Port, AICP

DIRECTOR OF PLANNING & DEVELOPMENT

cc: Donna Holaday, Mayor
Gary Calderwood, Building Commissioner
Newburyport Planning Board