

**CITY COUNCIL MEETING AGENDA v.2**

**CITY COUNCIL CHAMBERS**

**July 13, 2015**

**7:30 PM**

(Name Plates & Sound Check)

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

**CONSENT AGENDA**

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

**7. APPROVAL OF MINUTES**

June 29, 2015

(Approve)

**8. TRANSFERS - None**

**9. COMMUNICATIONS**

1. Special Event Application St. Vincent DePaul Walk for the Poor, Sept. 26, 2015 (PS)
2. Block Party Application Buck/Congress & Olive/Congress Streets August 1, 2015 (Approve)
3. New Application Outdoor Seating Dos Amigos Burritos 24 Pleasant Street (L&P)
4. Special Event Application 24<sup>th</sup> Walk Against Violence, October 4, 2015 (PS)
5. Exchange Club annual request for tent in Market Square August 8 and 22, 2015 (Approve)
6. Letter regarding condition of Dove Street (PS)
7. Notice of approval of extension of IMA Animal Control Services West Newbury (R&F)

**10. APPOINTMENTS – First Reading**

**RE-APPOINTMENTS**

- |                  |                |  |              |
|------------------|----------------|--|--------------|
| 1. Bonnie Sontag | 10 Upland Road | Fruit Street Local Historic District Com | May 31, 2018 |
|------------------|----------------|--|--------------|

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**11. COMMUNICATIONS**

8. Mayor's Letter re: Water/Sewer rate vote
9. LATE FILE – Mayor's Communication

**12. APPOINTMENTS - Second Reading**

**APPOINTMENTS**

- |                             |               |                                     |               |
|-----------------------------|---------------|-------------------------------------|---------------|
| 2. Dr. Michelle R. LaFlamme | 3 Bricher St. | Commission on Diversity & Tolerance | June 1, 2018  |
| 3. Jane Niebling            | 45 Temple St. | Tree Commission                     | June 30, 2018 |

**RE-APPOINTMENTS**

- |                     |                     |                            |               |
|---------------------|---------------------|----------------------------|---------------|
| 4. Richard Cummings | 7 Jewett Street     | Assistant Harbor Master    | June 15, 2018 |
| 5. Susan Grolnic    | 10 Willow Avenue    | Planning Board             | May 31, 2020  |
| 6. Wallace Thurlow  | 2 Dorothy Lucey Dr. | Atkinson Common Commission | May 1, 2018   |

**13. ORDERS**

1. Appropriation for new transient boater facility project (back-up information on file in Clerk's office)
2. Resolution for dissolution of the NRA
3. Polling Place High Street

**14. ORDINANCES**

1. 2<sup>nd</sup> Reading Amend Zoning Definitions 2-Family and Mult-Family Uses
2. Pending Publication - 2<sup>nd</sup> Reading Amend ORD Ch. 13-168 Parking Restricted Toppans Lane

## 15. COMMITTEE ITEMS

### Budget & Finance

#### *In Committee:*

1. Mayor letter regarding Order for Revolving Fund Expenses \*03/17/2014
2. Order Amend Revolving Fund expenses \*03/17/2014
3. Order Home Rule Petition- supplementing education budget (COTW) \*05/12/2014
4. Amend ORD Ch. 2 Section 2-45 City Council Salary \*05/12/2014
5. Amend ORD Ch. 2 Section 2-61A School Committee Salary \*05/12/2014
6. Human Resources Dependent Audit \*06/30/2014
7. Letter from Hope Church regarding Master Box fee \*11/10/2014
8. Annual Audit FY2014 Financial Statements – copy on file in City Clerk’s office \*04/27/2015
9. CPC FY2016 appropriations \*06/08/2015
10. Mayor Insurance 32-B to Advertising \$3,937.69 \*06/29/2015

### General Government

#### *In Committee:*

1. Letter re: Health Insurance Benefit \*05/11/2015

### Joint Education

#### *In Committee:*

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

### License & Permits

#### *In Committee:*

1. Movable Sign Application Newburyport Brewing Company \*02/10/2014
2. Amend ORD Sec. 9-114 Transient Vendors Restricted Areas \*04/28/2014
3. Letter regarding transient vendor licensing \*06/30/2014
4. Amend ORD 15-32 Taxi Licenses \*06/29/2015

### Neighborhoods and City Services

#### *In Committee:*

1. Temple Street sidewalk repair \*04/27/2015
2. Letter re: sidewalks and bike paths to Hale Street and West End \*05/11/2015
3. Letter regarding Emerald Ash Borer \*05/26/2015
4. City-Wide Sidewalk Specifications \*06/08/2015

### Planning & Development

#### *In Committee:*

1. Letter from Newburyport Preservation Trust \*03/31/2014
2. First Refusal to Purchase Lot 8 Low Street \*01/12/2015
3. Amend ORD Zoning Map Sec. III-C “Back Bay Area Zoning Map Change” \*01/12/2015
4. Amend Zoning ORD Appendix A Sec. XXIX Smart Growth District (SGOD) \*01/29/2015
5. Request to present to City council Essex Tech High School \*05/11/2015
6. Amend Zoning Add Office Uses at Business Park \*05/11/2015
7. Accept and Establish Initial Exemption Percentage \*06/08/2015
8. Accepting Gift of Public Bathrooms at Cashman Park \*06/29/2015

### Public Safety

#### *In Committee:*

1. London Livery request for valet parking at 38 State Street \*04/27/2015
2. Order regarding Signs \*05/26/2015
3. Amend Ch 9 Article 7 Div # Regulation of Door to Door Sales \*05/26/2015
4. Newburyport Fire Dept. permission for Fill the Boot Drive July 30, 31, Aug. 1 for MDA \*06/08/2015
5. Special Event Application Ovarian Cancer Awareness 5k Run/Walk Sept. 27, 2015 \*06/29/2015
6. Special Event Application Newburyport Open Streets Sept. 20, 2015 \*06/29/2015
7. Amend ORD Ch. 13 Article IV Div 6 Sec. 13-175 2 hr No. Atkinson \*06/29/2015

**Public Utilities Committee**

***In Committee:***

1. Water and Sewer Commissions adjustment of sewer bill charges re second meters \*11/24/2014
2. Boston Solar Letter regarding City of Newburyport solar options \*06/29/2015

**Rules Committee**

**16. GOOD OF THE ORDER**

**17. ADJOURNMENT**

CONSENT AGENDA

**CITY COUNCIL MEETING MINUTES - VERSION 2**

**June 29, 2015**

**7:15 PM**

**POLE HEARING**

**National Grid for pole at 172 State Street**

Council President O'Brien called the meeting to order at 7:23 pm. He instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Eigerman, Giunta, Heartquist, Herzog, Tontar, Vogel, O'Brien. 10 present, 1 absent (Kinsey). The attorney representing James Bourque spoke in favor. Motion to approve by Councillor Vogel, seconded by Councillor Herzog. So voted. Closed hearing at 7:28 pm.

**7:30 PM**

Council President O'Brien called the meeting to order at 7:35 pm. A moment of silence was held for Olga McFarland, an activist for the Newburyport senior community. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Eigerman, Giunta, Heartquist, Herzog, Tontar, Vogel and O'Brien. 10 present, 1 absent (Kinsey).

**1. LATE FILES – Mayor's Update Communication #8, and Order #3**

**Motion to waive the rules and accept the late file items by Councillor Cameron, seconded by Councillor Cronin. So voted.**

**2. PUBLIC COMMENT**

- |     |                   |                   |                                      |
|-----|-------------------|-------------------|--------------------------------------|
| 1.  | H. Fairweather    | 4 Parsons Street  | Planning & Dev item #7               |
| 2.  | Tom Koiterjahn    | 64 Federal Street | Zoning Amendment 2 Family & multi    |
| 3.  | Bill Harris       | 56 Lime Street    | Zoning Amendment 2 Family & multi    |
| 4.  | Phyllis Sher      | 69 Lime Street    | Zoning 2 Family ordinance            |
| 5.  | Greg Nikas        | 69 Lime Street    | Zoning 2 Family ord                  |
| 6.  | Judy Mouradian    | 46 Liberty Street | Zoning Ordinance                     |
| 7.  | Sharif Zeid       | 192 Water Street  | Zoning                               |
| 8.  | Michelle LaFlamme | 3 Belcher Street  | Commission for Diversity & tolerance |
| 9.  | Bruce Menin       | 83 Lime Street    | Zoning Ord                           |
| 10. | Julie Menin       | 83 Lime Street    | Zoning Ordinance                     |
| 11. | Stephanie M Ketic | 93 High Street    | Zoning Ordinance                     |
| 12. | Paul Biscard      | 4 Tremont Street  | Zoning Ord                           |
| 13. | Bill Hickey       | 1 Parsons Street  | Zoning Ord                           |
| 14. | Pamela Kipp       | 11 Tremont Street | Zoning Ordinance                     |
| 15. | Cheryl Kubat      | 78 High Street    | Zoning Ord                           |
| 16. | David Kipp        | 11 Tremont Street | Zoning Amend                         |
| 17. | Jerry Mullins     | 7 Parsons Street  | Redefine 2-multi uses                |
| 18. | Jeanette Isabella | 1 Lime Street     | Zoning Amendment                     |
| 19. | Rob Germinara     | 2 Ashland Street  | Budget & Finance #15, Ordinance #5   |

**Council President O'Brien called for a five minute break from 8:14 to 8:19pm.**

**3. MAYOR'S UPDATE**

**The Mayor gave an update.**

**CONSENT AGENDA**

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

**4. APPROVAL OF MINUTES**

June 8, 2015 (Approved)

**5. TRANSFERS**

1. Mayor Insurance 32-B to Advertising \$3,937.69

(B&F)

**6. COMMUNICATIONS**

1. Block Party Application Lafayette St between Highland & High St August 1, 2015  
2. Block Party Application Dove St from Munroe to Merrimac St August 1, 2015

(Approved)

(Approved)

- 3. Block Party Application 54<sup>th</sup> Street July 18, 2015 (Approved)
- 4. Special Event Application Ovarian Cancer Awareness 5k Run/Walk Sept. 27, 2015 (PS)
- 5. Special Event Application Newburyport Open Streets Sept. 20, 2015 (PS)

**7. APPOINTMENTS – First Reading**

<b>APPOINTMENTS</b>			
1.	Dr. Michelle R. LaFlamme	3 Bricher St.	Commission on Diversity & Tolerance June 1, 2018
2.	Jane Niebling	45 Temple St.	Tree Commission June 30, 2018
<b>RE-APPOINTMENTS</b>			
3.	Richard Cummings	7 Jewett Street	Assistant Harbor Master June 15, 2018
4.	Susan Grolnic	10 Willow Avenue	Planning Board May 31, 2020
5.	Wallace Thurlow	2 Dorothy Lucey Dr.	Atkinson Common Commission May 1, 2018

**END OF CONSENT AGENDA**

Motion to approve the consent agenda by Councillor Giunta, seconded by Councillor Heartquist. So voted.

**REGULAR AGENDA**

**8. COMMITTEE ITEMS**

**Planning & Development**

- 7. Amend Zoning Definitions 2 Family and Multi-Family uses

Motion to remove and take out of order by Councillor Cameron, seconded by Councillor Eigerman. So voted. Motion to amend to replace with document dated June 29, 2015 by Councillor Cameron, seconded by Councillor Eigerman. So voted. Motion to approve as amended by Councillor Cameron, seconded by Councillor Eigerman. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.

**9. COMMUNICATIONS**

- 6. Boston Solar Letter regarding City of Newburyport solar options

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

- 7. Tropic Star Propane Gas 81 & 83 Storey Ave

Motion to approve by Councillor Herzog, seconded by Councillor Giunta. So voted.

- 8. LATE FILE – Mayor’s Communication

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

**10. APPOINTMENTS - Second Reading**

<b>APPOINTMENTS</b>			
6.	Dan Bourdeau	376 High Street	Conservation Commission June 1, 2017
<b>RE-APPOINTMENTS</b>			
7.	Roger E. Jones	37 Storeybrooke Dr.	Water/Sewer Commission May 1, 2018

Motion to approve 2<sup>nd</sup> reading collectively by Councillor Connell, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Kinsey).

**11. ORDERS**

- 1. Order for the FY 2016 Budget

Councillor Tontar moved to waive the rules and take the FY2016 Budget out of committee, seconded by Councillor Cameron. So voted. Motion to approve Emergency Preamble by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Kinsey). Motion to amend by incorporating the revised FY2016 Budget proposed by the Mayor dated June 24, 2015. Roll call vote, 10 yes, 1 absent (Kinsey). So voted. Motion to approve as amended by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.

- 2. Accepting Gift of Public Bathrooms at Cashman Park

Councillor Eigerman recused himself. Motion to refer to Planning & Development by Councillor Cronin, seconded by Councillor Giunta. So voted.

- 3. LATE FILE – Inter-Municipal Agreement Animal Control

Motion to approve the Emergency Preamble by Councillor Connell, seconded by Councillor Heartquist. Roll call vote, 10 yes, 1 absent (Kinsey). Motion to approve by Councillor Vogel, seconded by Councillor Heartquist. Roll call vote, 10 yes, 1 absent (Kinsey).

**12. ORDINANCES**

- 1. 2<sup>nd</sup> Reading Amend ORD Part 2 Article III Ch. 3-31 Feeding or baiting of wild birds

Motion to approve second reading by Councillor Cronin, seconded by Councillor Cameron. Roll call vote, 9 yes, 1 no (O’Brien), 1 absent (Kinsey). So voted.

- 2. Amend ORD 15-32 Taxi Licenses  
**Motion to refer to License and Permits by Councillor Heartquist, seconded by Councillor Cameron. So voted.**
- 3. Amend ORD 13-168 Toppans Lane  
**Removed from agenda.**
- 4. Amend ORD Ch. 13 Article IV Div 6 Sec. 13-175 2 hr No Atkinson  
**Motion to refer to Public Safety by Councillor Tontar, seconded by Councillor Giunta. So voted.**
- 5. Amend Zoning Definition Two-Family and Multi-Family uses  
**Previously voted.**

**13. COMMITTEE ITEMS**

**Budget & Finance**

*In Committee:*

- 1. Mayor letter regarding Order for Revolving Fund Expenses \*03/17/2014
- 2. Order Amend Revolving Fund expenses \*03/17/2014
- 3. Order Home Rule Petition- supplementing education budget (COTW) \*05/12/2014
- 4. Amend ORD Ch. 2 Section 2-45 City Council Salary \*05/12/2014
- 5. Amend ORD Ch. 2 Section 2-61A School Committee Salary \*05/12/2014
- 6. Human Resources Dependent Audit \*06/30/2014
- 7. Letter from Hope Church regarding Master Box fee \*11/10/2014
- 8. Annual Audit FY2014 Financial Statements – copy on file in City Clerk’s office \*04/27/2015
- 9. Health-Energy/Recycling Solid Waste Fee to Hsehd Haz Waste \$10,000 \*06/08/2015  
**Motion to remove by Councillor Tontar, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Giunta. 9 yes, 1 no (O’Brien), 1 absent (Kinsey). So voted.**
- 10. Health-Energy/Recycling Solid Waste Fee to Sal. Energy Recycl.Coord. \$21,697 \*06/08/2015  
**Motion to remove by Councillor Tontar, seconded by Councillor Herzog. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Herzog. 9 yes, 1 no (O’Brien), 1 absent (Kinsey). So voted.**
- 11. Fire Dept. FROM Lease of Vehicles \$77,000, Fuel/oil \$17,500, Protective Clothing \$12,500, Educ. Materials \$3,000 TO Overtime \$110,000 \*06/08/2015  
**Motion to remove by Councillor Tontar, seconded by Councillor Herzog. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Giunta. 10 yes, 1 absent (Kinsey). So voted.**
- 12. Mayor FROM Insurance 32-B \$410,500, Gen’l Fd Free Cash \$136,855.96, FEMA Reimb 2007 Rsv Appr \$23,367.67 TO Snow & Ice Exp \$570,723.63 \*06/08/2015  
**Motion to remove by Councillor Tontar, seconded by Councillor Herzog. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Connell. 10 yes, 1 absent (Kinsey). So voted.**
- 13. Mayor Rsv Appr Legal Settlements \$134,772.44 to Snow & Ice Labor \$83,007.34, Snow & Ice Exp. \$51,765.10 \*06/08/2015  
**Motion to remove by Councillor Tontar, seconded by Councillor Herzog. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Giunta. 10 yes, 1 absent (Kinsey). So voted.**
- 14. Mayor Gen’l Fd Free Cash to Senior/Community Center Project \$100,000 \*06/08/2015  
**Motion to remove by Councillor Tontar, seconded by Councillor Connell. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. 10 yes, 1 absent (Kinsey). So voted.**
- 15. Mayor Gen’l Fd Free Cash to Culvert Capital Project \$150,000 \*06/08/2015  
**Motion to remove by Councillor Tontar, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Giunta. Roll call vote, 6 yes, 4 no (Herzog, Vogel, Cameron, Connell), 1 absent (Kinsey). So voted.**
- 16. DPS Water Retained Earnings to FY16 Budget Reserves \$450,000 \*06/08/2015  
**Motion to remove by Councillor Tontar, seconded by Councillor Herzog. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Herzog. Roll call vote, 5 yes, 5 no (Heartquist, Vogel, Connell, Cronin, Eigerman), 1 absent (Kinsey). Motion failed.**
- 17. DPS Sewer Retained Earnings to FY16 Budget Reserves \$500,000 \*06/08/2015  
**Motion to remove by Councillor Tontar, seconded by Councillor Herzog. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Herzog. Roll call vote, 5 yes, 5 no (Heartquist, Vogel, Connell, Cronin, Eigerman), 1 absent (Kinsey). Motion failed.**
- 18. FY 2016 Budget \*06/08/2015  
**Removed after Consent Agenda.**
- 19. Revolving Funds FY2016 \*06/08/2015  
**Motion to remove by Councillor Tontar, seconded by Councillor Herzog. So voted. Motion to amend to change date beginning July 1, 2015 by Councillor Tontar, seconded by Councillor Herzog. So voted. Motion to approve as amended by Councillor Tontar, seconded by councillor Herzog. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.**
- 20. CPC FY2016 appropriations \*06/08/2015

21. Accept and Establish Initial Exemption Percentage \*06/08/2015  
Motion to remove by Councillor Tontar, seconded by Councillor Herzog. So voted. Motion to amend by striking "to see if the City will" and adding "That the City Council accepts" by Councillor Herzog, seconded by Councillor Tontar. So voted. Motion to approve as amended by Councillor Tontar, seconded by Councillor Herzog. So voted.

#### General Government

##### *In Committee*

1. Letter re: Health Insurance Benefit \*05/11/2015

#### Joint Education

##### *In Committee:*

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

#### License & Permits

##### *In Committee:*

1. Movable Sign Application Newburyport Brewing Company \*02/10/2014

2. Amend ORD Sec. 9-114 Transient Vendors Restricted Areas \*04/28/2014

3. Letter regarding transient vendor licensing \*06/30/2014

4. Taxi License Renewal Harold Congdon Port Taxi, Inc. \*01/12/2015

5. Taxi Cab Company Renewal Seacoast Taxi \*03/09/2015

Motion to remove 4 and 5 collectively by Councillor Heartquist, seconded by Councillor Herzog. So voted. Motion to approve 4 and 5 collectively by Councillor Heartquist, seconded by Councillor Herzog. So voted.

6. New Outdoor Seating Application 17 State Street Café \*05/26/2015

Motion to remove by Councillor Heartquist, seconded by Councillor Herzog. So voted. Motion to approve by Councillor Heartquist, seconded by Councillor Herzog. So voted.

#### Neighborhoods and City Services

##### *In Committee:*

1. Temple Street sidewalk repair \*04/27/2015

2. Letter re: sidewalks and bike paths to Hale Street and West End \*05/11/2015

3. Letter regarding Emerald Ash Borer \*05/26/2015

4. City-Wide Sidewalk Specifications \*06/08/2015

#### Planning & Development

##### *In Committee:*

1. Letter from Newburyport Preservation Trust \*03/31/2014

2. First Refusal to Purchase Lot 8 Low Street \*01/12/2015

3. Amend ORD Zoning Map Sec. III-C "Back Bay Area Zoning Map Change" \*01/12/2015

4. Amend Zoning ORD Appendix A Sec. XXIX Smart Growth District (SGOD) \*01/29/2015

5. Request to present to City council Essex Tech High School \*05/11/2015

6. Amend Zoning Add Office Uses at Business Park \*05/11/2015

7. Amend Zoning Definitions 2 Family and Multi-Family uses \*05/11/2015

#### Removed earlier in agenda.

8. Land transfer March's Hill, Fish Pier, City Branch Rail Cor, 115 Water St, Joppa Park, land in Newbury \*06/08/2015

Motion to remove by Councillor Cameron, seconded by Councilor Connell. So voted. Motion to replace with revised order and approve by Councillor Cameron, seconded by Councillor Connell. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.

9. Acquisition of Temp and Perm Easements and other Interests in Land Clipper City Rail Trail \*06/08/2015

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

10. Acquisition of Int in Land in fee or by Lease Easement or Agreement Clipper City Rail Trail \*06/08/2015

Councillor Connell recused himself. Motion to remove by Councillor Cameron, seconded by Councillor Vogel. So voted. Motion to approve by Councillor Cameron, seconded by Councillor Vogel. Roll call vote, 9 yes, 1 recused (Connell), 1 absent (Kinsey).

11. Acq. of Int in Land in Fee or by Lease Esmt or Agmt Boston & Maine RR, Town of Newbury \*06/08/2015

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

12. Acquisition of Interest in Land in Fee or by Lease Easement or Agreement Mass Electric land \*06/08/2015

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

13. Transfer of Custody of Property and/or Grant of Esmt Newburyport/Newbury Clipper Rail Trail \*06/08/2015

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

14. Acquisition of Interest in Land in fee or by Lease Easement or Agreement Clarridge Lot 2 \*06/08/2015

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

15. Transfer of Custody of Property and/or Grant of Easement Lot 3 Lot 4 \*06/08/2015

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

16. Order of taking Joppa Park \*06/08/2015

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

17. Order of taking portions of land Parker, High, Purchase, Water Streets and Custom House Way \*06/08/2015

Motion to remove by Councillor Cameron, seconded by Councillor Connell. So voted. Councillor Connell recused himself. Motion to add Councillor Cameron as a sponsoring Councillor on orders #6 -16 dated June 8, 2015, listed here as items #8-18, by Councillor Cameron, seconded by Councillor Cronin. So voted.

Motion to amend with replacement order by Councillor Herzog, seconded by Councillor Cameron. So voted. Motion to approve as amended by Councillor Cameron seconded by Councillor Herzog. Roll call vote, 9 yes, 1 recused (Connell), 1 absent (Kinsey).

18. Grant leasehold interest in land on Water Street \*06/08/2015

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

19. Accept and Establish Initial Exemption Percentage \*06/08/2015

#### Public Safety

##### *In Committee:*

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

2. Seaside Santa Dash 5k event \*05/26/2015

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

3. Order regarding Signs \*05/26/2015

4. Amend Ch 9 Article 7 Div # Regulation of Door to Door Sales \*05/26/2015

5. Amend Ch 13 Section 13-168 Parking restricted Toppans Lane \*05/26/2015

Motion to remove by Councillor Cronin, seconded by Councillor Tontar. So voted. Motion to approve 1<sup>st</sup> reading and order published by Councillor Cronin, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Kinsey).

6. Newburyport Fire Dept. permission for Fill the Boot Drive July 30, 31, Aug. 1 for MDA \*06/08/2015

7. Special Event Application Yankee Homecoming Road Race July 28, 2015 \*06/08/2015

8. Special Event Application Newburyport Lions Bed Race July 30, 2015 \*06/08/2015

Motion to remove items 7 & 8 collectively by Councillor Cronin, seconded by Councillor Cameron. So voted. Motion to approve items 7 & 8 collectively by Councillor Cronin, seconded by Councillor Cameron. So voted.

9. Greater Nbpt Chamber of Commerce & Newburyport Dev. Use of Pleasant St 6/25/2015 \*06/08/2015

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

#### Public Utilities Committee

Councillor Herzog stated that there will be a meeting of the Water/Sewer Commission.

##### *In Committee:*

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

#### Rules Committee

14. GOOD OF THE ORDER

15. ADJOURNMENT

Councillor Tontar moved to adjourn, seconded by Councilor Cameron at 10:02pm. So voted.

TRANSFERS

# COMMUNICATIONS



**The Society of St. Vincent de Paul**  
**Immaculate Conception Parish**  
42 Green Street  
Newburyport, MA 01950

July 7, 2015

City Council  
City Hall  
Newburyport, MA 01950

Council President:

We are seeking permission to hold a "Walk for the Poor" on Saturday, September 26, 2015. The walk is sponsored by the local Society of St. Vincent de Paul that helps people in the local area who finds themselves in immediate financial need. We supply help such as: food cards, gas cards, assistance with rent & utility bills and finding shelter for suddenly homeless people. There are many people in our area that are in desperate need of assistance. We do our best to help those who seek our assistance. We raise money through events such as this and private donations. The need is great and the resources are few. The walk will begin at 9:00 am and end about 11:00 am. There should be no more than 200 walkers probably less.

The route is 4K or 2.5 miles as follows:

**Start in IC parking lot; up Court St.; turn right on High St., to Broad St.; take right on Broad down to Merrimac ; take right on Merrimac St. to State St.; up State; take right on High St; then turn right on Green St. to Washington St.; take Left on Washington St.; back to IC parking lot.**

Thank you for your consideration in this matter.

Jan Kolman,  
Walk Coordinator

Contact person: Jan Kolman, Walk Coordinator  
Home 978-462-3339, cell 978-270-5128  
E-Mail [jmknana@verizon.net](mailto:jmknana@verizon.net)

# NEWBURYPORT SPECIAL EVENT APPLICATION

SPECIAL EVENTS

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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

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

2015 JUN 11 11:49:30

NAME OF EVENT: WALK For the Poor - ST Vincent de Paul Inc.

1. Date: Sept 26, 2015 Time: from 8:00 AM to 11:00 AM  
Rain Date: \_\_\_\_\_ Time: from \_\_\_\_\_ to \_\_\_\_\_

2. Location: Immaculate Conception Parish - Court St Parking Lot

3. Description of Property: Church Parking Lot Public \_\_\_\_\_ Private X

4. Name of Organizer: Jan Kolman City Sponsored Event: Yes \_\_\_\_\_ No X

Contact \_\_\_\_\_ Person: \_\_\_\_\_

Address: 4 Carlton Dr Newburyport - 978-462-3339 Telephone: \_\_\_\_\_

E-Mail: JMKNANA@Verizon.net Cell Phone: 978-270-5128 \*

Day of Event Contact & Phone: Jan Kolman 978-270-5128

5. Number of Attendees Expected: NO more than 100

6. MA Tax Number EXEMPT # 042-104-826

7. Is the Event Being Advertised? Yes Where? Daily News, Local TV Station, RBP Radio

8. What Age Group is the Event Targeted to? Families Strollers to Adults

9. Have You Notified Neighborhood Groups or Abutters? Yes \_\_\_\_\_ No X, Who? \_\_\_\_\_

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

A. Vending: Food \_\_\_\_\_ Beverages \_\_\_\_\_ Alcohol \_\_\_\_\_ Goods \_\_\_\_\_ Total # of Vendors 0

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music / DJ / Radio/CD /  
Performers / Dancing / Amplified Sound / Stage /

C. Games /Rides: Adult Rides / Kiddie Rides / Games / Raffle /  
Other \_\_\_\_\_ Total # 0

Name of Carnival Operator: 0

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

D. Clean Up: # of additional trash receptacles required N/A # of additional recycling receptacles required N/A

E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)  
# N/A Standard # N/A ADA accessible Toilets Available in Parish Center

2015 JUN 20 10:25:59

**FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY**

PARADE \_\_\_\_\_

ROAD RACE \_\_\_\_\_

WALKATHON

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

de Paul Society of Immaculate Conception Parish  
County Wide Walk For ALL Parishes

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

4 Carleton Dr Newburyport, ma. 01950 978-270-5128

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

Jan Kolman 4 Carleton Dr N6PT 978 270 5128

4. Date of Event: 9-26-15 Expected Number of Participants: less than 100

5. Start Time: 9:00 Expected End Time: 11:00

6. Road Race, Parade or Walkathon Route: (List street names & **attach map of route**): Court, N. 9th

Broad, Merrimac, State, N. 9th, Green, Washington Sts.

7. Locations of Water Stops (if any): N/A

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

9. Formation Location & Time for Participants: FC parking lot Court St 8 AM Register

10. Dismissal Location & Time for Participants: FC parking lot 11:00 AM

11. Additional Parade Information:

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

**APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE**

CITY MARSHAL  
4 Green Street  
FIRE CHIEF  
Greenleaf Street  
DEPUTY DIRECTOR  
1 Perry Way  
CITY CLERK  
60 Pleasant St.

[Signature] 6/19/15  
[Signature] 6-23-15  
[Signature], Director 6-18-15  
[Signature]

---

## DEPARTMENT APPROVAL (For Committee members use only):

---

It will be necessary for you to obtain permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event, & others may request cash in advance payment.

<b>Approval Required</b>	<b>Date:</b> _____	<b>Signature</b> _____
_____	1. Special Events:	_____
_____	2. Police:	_____
	Is Police Detail Required:	_____ # of Details Assigned: _____
_____	3. Traffic, Parking & Transportation:	_____
_____	4. ISD/Health:	_____
_____	5. ISD/Building:	_____
_____	6. Electrical:	_____
_____	7. Fire:	_____
	Is Fire Detail Required:	_____ # of Details Assigned: _____
_____	8. Public Works:	_____
_____	9. Recreation Department:	_____
_____	10. License Commission:	_____

---

**The Departments listed above have their own application process. Applicants are responsible for applying for and obtaining all required permits & certificates from the various individual Departments.**

---

### Limitations

- (a) *"Procedure"* All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, board of directors, charity foundation or designee apply for authorization to hold the event through the Office of the City Clerk. The City Clerk upon review of the completed form will place the application on the regular City Council agenda. Upon following the procedures of the Council, as deemed appropriated in the sole judgment of the Council, the application will be considered approved if the Council votes favorably by majority. The event will name one person responsible on the application and shall provide contact information to include name, address and telephone number.
- (b) *"Exemptions"* Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.
- (c) *"Course map"*, All applications shall be accompanied by a course map showing the event route, water stops, refreshment stops, and so-called "porta-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by Police, Fire, Department of Public Services, Parks Commission and Harbormasters Departments prior to submission to the City Clerk.
- (d) *"Electronic Amplifier"* Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8:00 A.M. except for Sundays when electronic amplifiers, loud speakers or bullhorns will be used for public address announcements or music before 9:00 AM. This shall be deemed a requirement for all permitted events regardless of type or location.
- (e) *"Road Closure"* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents ten (10) days in advance that neighborhood roads will be closed if no alternate route is available to those residents.

1

- (f) *"Insurance"* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an insured. The policy shall be no less than two million dollars (\$2,000,000.00).
- (g) *"Event termination"* If in the judgment of the City Marshal, Fire Chief or Department of Public Services (DPS) Director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the Harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.
- (h) *"Event and traffic Security"* The City Marshal, Fire Chief, DPS Director or in the case of a triathlon, the Harbormaster can require special duty personnel to oversee the safety and security of the event. All special duty assignments will be paid by the event organizers.
- (i) *"Clean-up"* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

### 13-101 Enforcement

- (a) *"Regulations"* Consistent with this ordinance, the city shall promulgate regulations to enforce and otherwise implement the provisions of this ordinance upon passage by the City Council. Any event previously approved by City Council shall be deemed permitted.
- (b) *"Warning"* In the circumstance that this ordinance is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the City Clerk and City Council and may be used as a factor in future application approvals and denials.
- (c) *"Noncriminal Disposition"* If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided in Massachusetts General Law as adopted by the City of Newburyport as a general ordinance in Subsection 1-17 of Chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in 13-101(d)
- (d) *"Violation"* The non-criminal violation shall be \$100.00 for the first offense and \$250.00 for second and subsequent offenses. Any non-criminal citations issued for violation(s) will be reported to the City Clerk and City Council and shall be used as a factor in future application approvals and denials.

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

Signed: \_\_\_\_\_

*Janet M. Kalman*

Date: \_\_\_\_\_

*6-8-15*



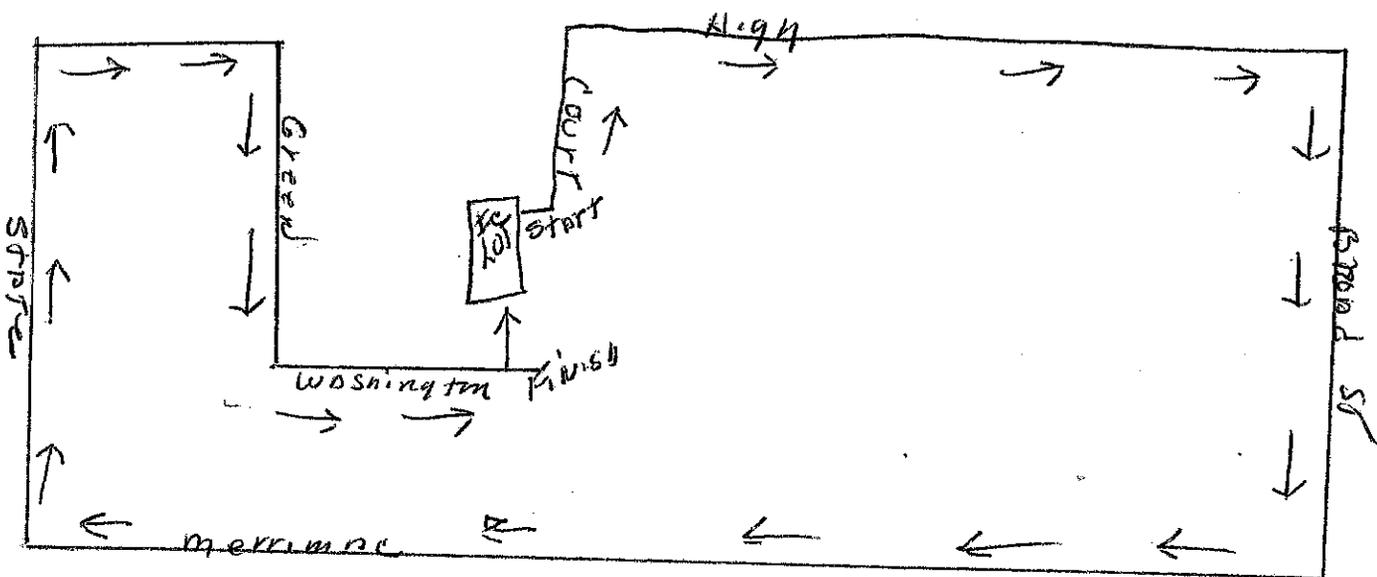
**The Society of St. Vincent de Paul**  
**Immaculate Conception Parish**  
42 Green Street  
Newburyport, MA 01950

Walk for the Poor 9/26/15

The route is 4K or 2.5 miles as follows:

**Start in IC parking lot; up Court St.; turn right on High St., to Broad St.; take right on Broad down to Merrimac; take right on Merrimac St. to State St.; up State; take right on High St; then turn right on Green St. to Washington St.; take Left on Washington St.; back to IC parking lot.**

Jan Kolman,  
Walk Coordinator  
Hm: 978-462-3339  
Cell: 978-270-5128



## Lynn Varney

---

**From:** Janet Kolman <[jmknana@verizon.net](mailto:jmknana@verizon.net)>  
**Sent:** Tuesday, July 07, 2015 7:06 PM  
**To:** Lynn Varney  
**Cc:** Roseann Robillard  
**Subject:** FW: Certificate of Insurance

**Expires:** Tuesday, July 21, 2015 12:00 AM

Lynn, As soon as the Certificate comes, I will have it e-mailed to you. Effective date is 7/1/15 and it takes a few weeks to come according to our coordinator.

Thanks for holding our application until the Certificate come sin.

Jan Kolman  
978-462-3339

---

**From:** Ed Resnick [<mailto:ejresnick@svdpboston.org>]  
**Sent:** Friday, May 22, 2015 11:03 AM  
**To:** 'Janet Kolman'  
**Subject:** RE: Certificate of Insurance

JAN OUR INSURANCE RENEWS ON JULY 1 2015 WILL NOT BE ABLE TO GET CERTIFICATE  
FOR COUPLE WEEKS AFTER THAT

Edward J. Resnick  
Chief Executive Officer  
The Society of St. Vincent de Paul  
In the Archdiocese of Boston, Inc.  
18 Canton Street  
Stoughton, MA 02072  
(781)-344-3100 Ext. 212  
(781)-341-4560 Fax  
(617)-438-4800 cell  
[ejresnick@svdpboston.org](mailto:ejresnick@svdpboston.org)

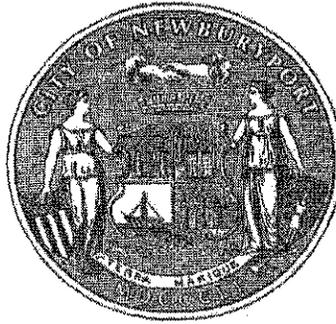
## End Poverty Through Systemic Change *Serving Those Who Serve The Poor*

*This e-mail, and any attachments hereto, is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this email, you are hereby notified that any dissemination, distribution or copying of this email, and any attachments hereto, is strictly prohibited by law or otherwise. If you received this email in error, please notify immediately the Society of St. Vincent de Paul in the Archdiocese of Boston, Inc. at (781)-344-3100, or at [info@svdpboston.org](mailto:info@svdpboston.org), and permanently delete the original and any copy or printout thereof. The Society of St. Vincent de Paul and its Disaster Relief Coordination operate within the provisions of the Stafford Act and under a Statement of Understanding with the Federal Emergency Management Agency.*

---

**From:** Janet Kolman [<mailto:jmknana@verizon.net>]  
**Sent:** Thursday, May 21, 2015 10:38 AM  
**To:** Ed Resnick, SVdP Boston  
**Subject:** Certificate of Insurance

Ed,



RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2015 JUN 24 P 1:35

CITY OF NEWBURYPORT  
60 PLEASANT STREET  
NEWBURYPORT, MA 01950

### BLOCK PARTY APPLICATION

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

DATE OF REQUEST: \_\_\_\_\_

#### CONTACT INFORMATION

FIRST AND LAST NAMES: Jamie Chabot

MAILING ADDRESS: 4 Congress St

PHONE NUMBER: 775-240-6836 (mobile)

E-MAIL ADDRESS: Jamie.Chabot1@gmail.com

#### BLOCK PARTY INFORMATION

BLOCK PARTY DATE: Aug. 1 (Saturday)

DESIRED STREET CLOSING LOCATION: ~~MAZARA~~ Buck/Congress & Olive/Congress  
Please indicate cross streets when requesting the closing of street sections

STREET TO BE BARRICADED: Congress (from Buck to Olive)

DESIRED STREET CLOSING TIME: 4pm - 9:pm  
Block Parties should run no later than 10:00 p.m.

**REGULATIONS**

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

I understand that applications for block party permits may take up to four (4) weeks to process.

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

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

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

Applicant signature:  Date: 6/23/15

**APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE**

**CITY MARSHALL**

4 Green Street

**FIRE CHIEF**

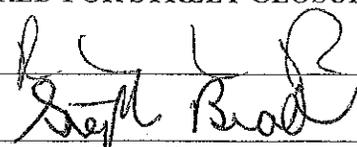
Greenleaf Street

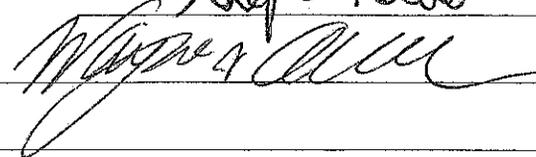
**DEPUTY DIRECTOR**

1 Perry Way

**CITY CLERK**

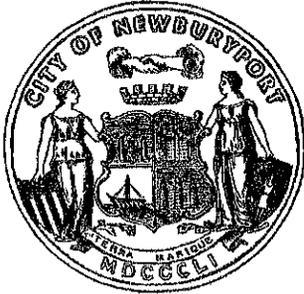
60 Pleasant Street

 6/24/15



City use only:

Approved \_\_\_\_\_ Denied \_\_\_\_\_ Date \_\_\_\_\_



## City of Newburyport

RECEIVED  
NEW FILING   
RENEW  
2015 JUN 25 P 12:17

### Application

### Food Establishment Outdoor Seating on Public Property

Date: 6/12/15

Name of Business Owner: Joel Harris

Name of Property Owner: Newburyport Development

Business Name: Dos Amigos Burritos

Business Address: 24 Pleasant St. Business Phone: 978-255-7326

Number of Tables Requested: 4 Dimensions: 28"H x 23.5"W Material: metal

Number of Chairs Requested: 8 Dimensions: 32"H x 16"W Material: metal

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

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

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

### Application Requirements

Please submit the following documents with the completed application to:

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

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

Application - Food Establishment Outdoor Seating on Public Property

- 2) 8 1/2 x 11 sketch of outdoor seating detailing: a) measurements of tables and chairs; b) total width of sidewalk; and c) distance between proposed seating and sidewalk  
*128.5"* *104*
- 3) Obstacles such as streetlights, signs, trees, benches, and garbage barrels.
- 4) Applicants seeking approval of outdoor seating for food and alcohol consumption must also submit:
- 5) ~~Written and dated approval of the Newburyport License Commission for the outdoor service of alcohol, including the information and sketch used for the basis of the License Commission approval.~~
- 6) ~~8 1/2 x 11 sketch of outdoor seating cited above must also include a depiction and information on the placement, dimensions, and materials used to create a demarcated area for the service of alcohol.~~ *N/A*

**RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY**

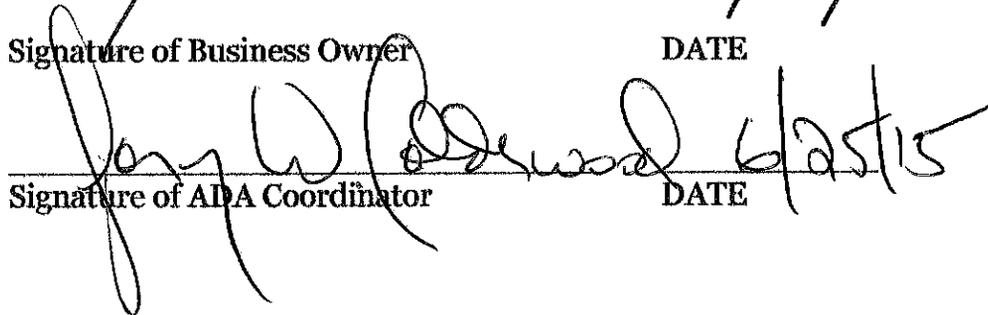
I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages,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



Signature of Business Owner

*6/15/15*

DATE



Signature of ADA Coordinator

DATE

Outdoor Seating Proposal Sketch  
Dos Amigos Burritos

entrance

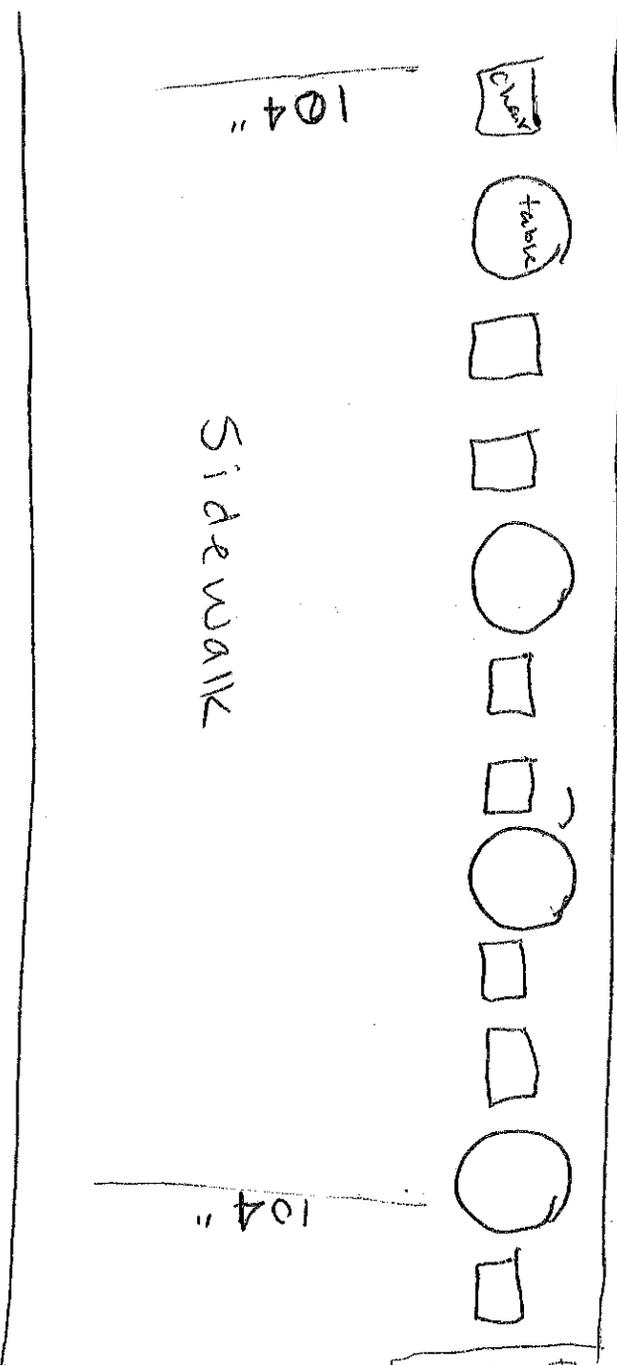
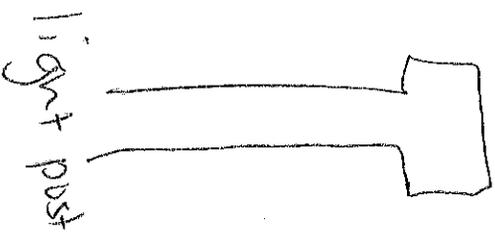
plants

128.5"  
total sidewalk width

104"

Sidewalk

Street



2-8-15



JJJCINC-01

NPOULIN

**CERTIFICATE OF LIABILITY INSURANCE**

DATE (MM/DD/YYYY)

6/17/2015

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

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

<b>PRODUCER License # AGR8150</b> <b>Clark Insurance</b> <b>80 Canal St</b> <b>Manchester, NH 03101</b>	<b>CONTACT NAME: Nancy Poulin</b>	
	<b>PHONE (A/C, No, Ext): (603) 622-2855</b>	<b>FAX (A/C, No): (603) 622-2854</b>
<b>E-MAIL ADDRESS: info@clarkinsurance.com</b>		
<b>INSURED</b>  <b>Dos Amigos Burritos LLC</b> <b>1 Middle St Ste 1</b> <b>Portsmouth, NH 03801</b>	<b>INSURER(S) AFFORDING COVERAGE</b>	
	<b>INSURER A: Mount Vernon Fire</b>	
	<b>INSURER B:</b>	
	<b>INSURER C:</b>	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	
		<b>NAIC #</b> <b>26522</b>

**COVERAGES****CERTIFICATE NUMBER:****REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL ISUR INSD	WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b> <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			CL2675194	03/15/2015	03/15/2016	EACH OCCURRENCE \$ <b>1,000,000</b> DAMAGE TO RENTED PREMISES (Ea occurrence) \$ <b>300,000</b> MED EXP (Any one person) \$ <b>5,000</b> PERSONAL & ADV INJURY \$ <b>1,000,000</b> GENERAL AGGREGATE \$ <b>2,000,000</b> PRODUCTS - COMP/OP AGG \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> <b>UMBRELLA LIAB</b> <input type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> <input type="checkbox"/> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
 26 Pleasant St, Newburyport MA 01950

**CERTIFICATE HOLDER****CANCELLATION**

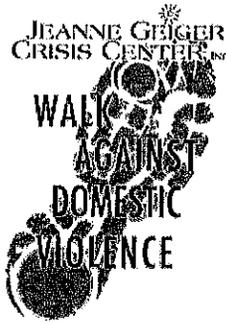
City of Newburyport  
 60 Pleasant St  
 PO Box 550  
 Newburyport, MA 01950

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

AUTHORIZED REPRESENTATIVE

*Manjiv Ruth*

© 1988-2014 ACORD CORPORATION. All rights reserved.



RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2015 JUN 29 A 11:36

June 22, 2015

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

Dear Mr. O'Brien and City Council Members,

On behalf of the Jeanne Geiger Crisis Center, I am writing to ask for City Council approval of our plans for the 24th Annual Walk Against Domestic Violence, scheduled for Sunday, October 4<sup>th</sup> again this year at Waterfront Park, situated directly behind the Firehouse Theater located at 1 Market Square, Newburyport, MA from 8:00 AM (registration) – noon.

For your review, I have enclosed a copy of our walk route that we used last year and will again for this upcoming walk. As in the past, we have an army of volunteers who are stationed along the route to direct walkers and we will have officers stationed at crossing points. If you have any questions, please call our Event Manager, Kelly Majewski, at 978-465-0999.

I hope you will look favorably upon this request, and please let us know if you have any questions.

Thank you for your immediate attention to this matter. We look forward to your earliest response so that we may publicize this exciting event.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, reading "Suzanne C. Dubus", is written over a horizontal dotted line.

Suzanne C. Dubus  
Chief Executive Officer

Cc: Richard B. Jones, City Clerk

enclosure

NEWBURYPORT SPECIAL EVENT APPLICATION

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

SPECIAL EVENTS

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

2015 JUN 29 A 11:36

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

NAME OF EVENT: 24<sup>th</sup> Walk Against Domestic Violence

1. Date: Sun, October 4, 2015 Time: from 8 AM to NOON  
Rain Date: None Time: from \_\_\_\_\_ to \_\_\_\_\_

2. Location: Waterfront Park

3. Description of Property: Large Park behind Not your Average Toys Public  Private \_\_\_\_\_

4. Name of Organizer: Jeannie Geiger CRISIS CTR City Sponsored Event: Yes \_\_\_\_\_ No

Contact: Kelly Majewski Person: \_\_\_\_\_

Address: 2 Harris Street, NBPT, MA 01950 Telephone: \_\_\_\_\_

E-Mail: Kmajewski@jeanniegeigercrisisctr.com Cell Phone: 978-764-8162

Day of Event Contact & Phone: 978-465-8999 or 978-764-8162

5. Number of Attendees Expected: 500

6. MA Tax Number: 22-2474823

7. Is the Event Being Advertised? YES Where? Newspaper, Chamber, Social Media

8. What Age Group is the Event Targeted to? All ages & families

9. Have You Notified Neighborhood Groups or Abutters? Yes \_\_\_\_\_ No , Who? We have received approval from Trustees of the Waterfront

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

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

B. Entertainment: (Subject to City's Noise Ordinance.) Live Music \_\_\_\_\_ DJ  Radio/CD \_\_\_\_\_  
Performers \_\_\_\_\_ Dancing \_\_\_\_\_ Amplified Sound \_\_\_\_\_ Stage \_\_\_\_\_

C. Games /Rides: Adult Rides \_\_\_\_\_ Kiddie Rides \_\_\_\_\_ Games \_\_\_\_\_ Raffle \_\_\_\_\_  
Other \_\_\_\_\_ Total # \_\_\_\_\_

Name of Carnival Operator: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

D. Clean Up: # of additional trash receptacles required \_\_\_\_\_ # of additional recycling receptacles required \_\_\_\_\_

E. Portable Toilets: (Each cluster of portable toilets must include at least one ADA accessible toilet)  
# \_\_\_\_\_ Standard # \_\_\_\_\_ ADA accessible # We use the town toilets

**FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY**

PARADE \_\_\_\_\_ ROAD RACE \_\_\_\_\_ WALKATHON X

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon: Jeanne Geiger Crisis Center

2. Name, Address & Daytime Phone Number of Organizer: Kelly Majewski  
2 Harris Street, NBPT, MA 01950. 978-465-0999

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up \_\_\_\_\_  
Kelly Majewski 978-764-8162

4. Date of Event: 10-4-15 Expected Number of Participants: 500

5. Start Time: 8 AM Expected End Time: NOON

6. Road Race, Parade or Walkathon Route: (List street names & **attach map of route**): \_\_\_\_\_  
See Attached

7. Locations of Water Stops (if any): LAF March's Hill

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

9. Formation Location & Time for Participants: Waterfront Park 8 AM

10. Dismissal Location & Time for Participants: Waterfront Park NOON

11. Additional Parade Information:

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

**APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE**

CITY MARSHAL  
4 Green Street  
FIRE CHIEF  
Greenleaf Street  
DEPUTY DIRECTOR  
1 Perry Way  
CITY CLERK  
60 Pleasant St.

[Signature] 6/24/15  
[Signature]

Roads are not closed & Police detail is used 2

**DEPARTMENT APPROVAL (For Committee members use only):**

It will be necessary for you to obtain permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event, & others may request cash in advance payment.

<b>Approval Required</b>	Date: _____ Signature _____
___	1. Special Events: _____
___	2. Police: _____
	Is Police Detail Required: _____ # of Details Assigned: _____
___	3. Traffic, Parking & Transportation: _____
___	4. ISD/Health: _____
___	5. ISD/Building: _____
___	6. Electrical: _____
___	7. Fire: _____
	Is Fire Detail Required: _____ # of Details Assigned: _____
___	8. Public Works: _____
___	9. Recreation Department: _____
___	10. License Commission: _____

**The Departments listed above have their own application process. Applicants are responsible for applying for and obtaining all required permits & certificates from the various individual Departments.**

**Limitations**

- (a) *"Procedure"* All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, board of directors, charity foundation or designee apply for authorization to hold the event through the Office of the City Clerk. The City Clerk upon review of the completed form will place the application on the regular City Council agenda. Upon following the procedures of the Council, as deemed appropriated in the sole judgment of the Council, the application will be considered approved if the Council votes favorably by majority. The event will name one person responsible on the application and shall provide contact information to include name, address and telephone number.
- (b) *"Exemptions"* Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.
- (c) *"Course map"*, All applications shall be accompanied by a course map showing the event route, water stops, refreshment stops, and so-called "porta-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by Police, Fire, Department of Public Services, Parks Commission and Harbormasters Departments prior to submission to the City Clerk.
- (d) *"Electronic Amplifier"* Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8:00 A.M. except for Sundays when electronic amplifiers, loud speakers or bullhorns will be used for public address announcements or music before 9:00 AM. This shall be deemed a requirement for all permitted events regardless of type or location.
- (e) *"Road Closure"* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents ten (10) days in advance that neighborhood roads will be closed if no alternate route is available to those residents.

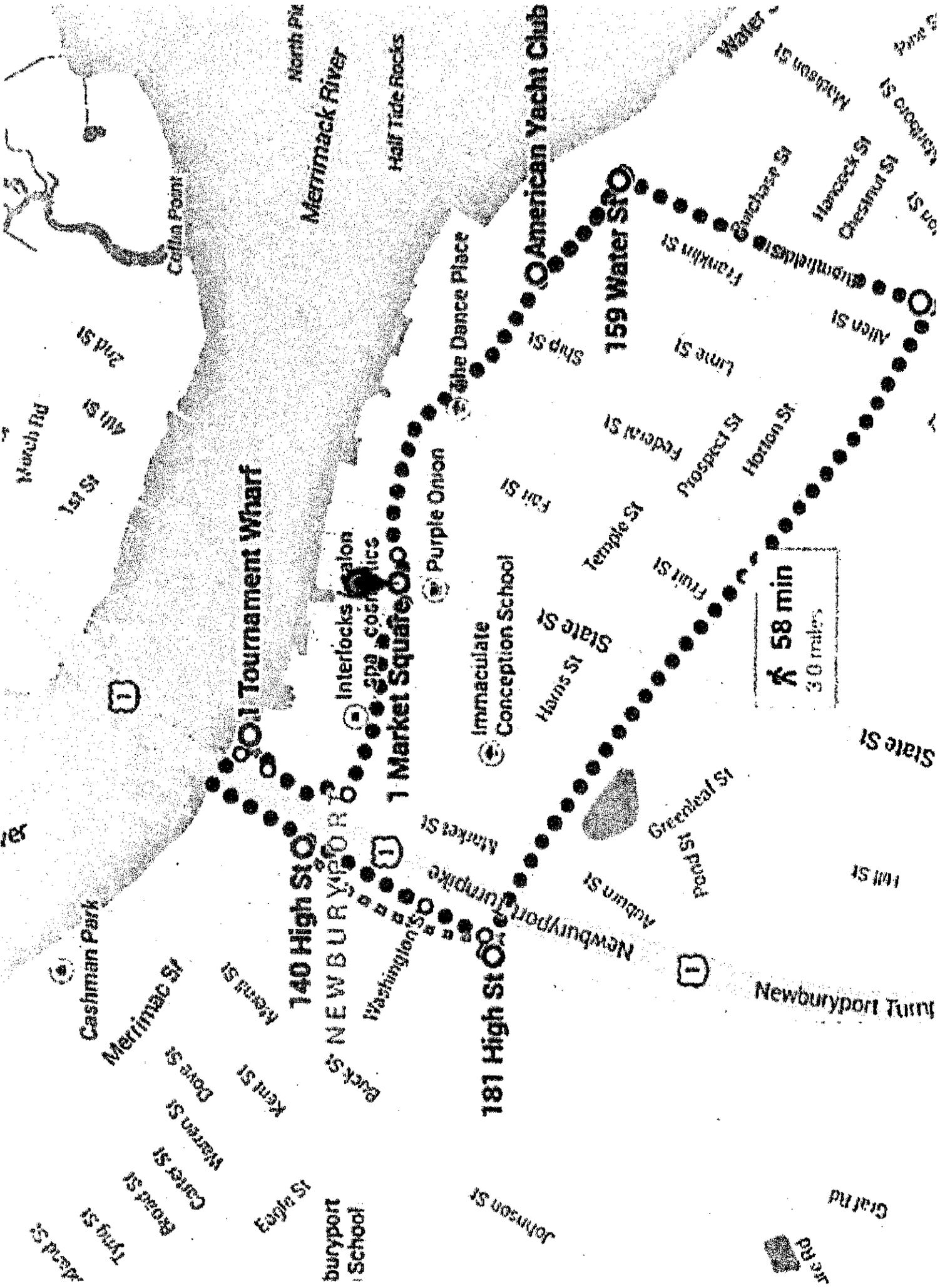
- (f) *"Insurance"* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an insured. The policy shall be no less than two million dollars (\$2,000,000.00).
- (g) *"Event termination"* If in the judgment of the City Marshal, Fire Chief or Department of Public Services (DPS) Director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the Harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.
- (h) *"Event and traffic Security"* The City Marshal, Fire Chief, DPS Director or in the case of a triathlon, the Harbormaster can require special duty personnel to oversee the safety and security of the event. All special duty assignments will be paid by the event organizers.
- (i) *"Clean-up"* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

**13-101 Enforcement**

- (a) *"Regulations"* Consistent with this ordinance, the city shall promulgate regulations to enforce and otherwise implement the provisions of this ordinance upon passage by the City Council. Any event previously approved by City Council shall be deemed permitted.
- (b) *"Warning"* In the circumstance that this ordinance is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the City Clerk and City Council and may be used as a factor in future application approvals and denials.
- (c) *"Noncriminal Disposition"* If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided in Massachusetts General Law as adopted by the City of Newburyport as a general ordinance in Subsection 1-17 of Chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in 13-101(d)
- (d) *"Violation"* The non-criminal violation shall be \$100.00 for the first offense and \$250.00 for second and subsequent offenses. Any non-criminal citations issued for violation(s) will be reported to the City Clerk and City Council and shall be used as a factor in future application approvals and denials.

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

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
06/24/2015

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

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

<b>PRODUCER</b> Chase & Lunt LLC 65 Parker Street Newburyport, MA 01950 James J Howlett III	<b>CONTACT NAME:</b> Jim Aitchison <b>PHONE (A/C, No, Ext):</b> 978-462-4434 <b>E-MAIL ADDRESS:</b>	<b>FAX (A/C, No):</b> 978-465-6204													
	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Philadelphia Insurance Company</td> <td></td> </tr> <tr> <td>INSURER B : American Zurich Ins.</td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>		INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Philadelphia Insurance Company		INSURER B : American Zurich Ins.		INSURER C :		INSURER D :		INSURER E :		INSURER F :
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A : Philadelphia Insurance Company															
INSURER B : American Zurich Ins.															
INSURER C :															
INSURER D :															
INSURER E :															
INSURER F :															
<b>INSURED</b> Jeanne Geiger Crisis Center Suzanne Dubus 2 Harris Street Newburyport, MA 01950															

**COVERAGES**                      **CERTIFICATE NUMBER:**                      **REVISION NUMBER:**

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		PHPK1312182	05/07/2015	05/07/2016	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
							MED EXP (Any one person)	\$ 10,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			PHUB456997	05/07/2015	05/07/2016	EACH OCCURRENCE	\$ 2,000,000
							AGGREGATE	\$ 2,000,000
								\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	TO BE ISSUED BY CARRIER			PER STATUTE	OTH-ER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
**RE:** Walk Against Domestic Violence  
**Location:** Water Front Park, Newburport, MA, 36 Merrimac St, Newburyport MA  
**Date:** Sunday, October 4, 2015, from 8:00 AM - Noon  
 The Newburyport Waterfront Trust is additional insured for general Liability

<b>CERTIFICATE HOLDER</b>  The Newburyport Waterfront Trust City Hall 60 Pleasant Street Newburyport, MA 01950	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
---	--



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

CLERK'S OFFICE  
NEWBURYPORT, MA

2015 JUL -2 A 7:59

**President-Claudette Beerman, Secretary-Stuart Deane, Treasurer-Mary Sortal, President Elect-Joe Murphy**

July 2, 2015

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 6<sup>th</sup> Annual Field of Honor Program taking place at the Bartlett Mall on September 8-14, 2015. In addition we will also be offering for sale the flags to be dedicated on September 13<sup>th</sup>.

The requested dates are as follows:

Saturday August 8th  
Saturday August 22th

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

Respectfully,

Ben Iacono  
Chairman, Field of Honor Flag Sales

978-462-7028

Attention: City of Newburyport

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

To whom it may concern:

2015 JUL -6 A 10: 16

Residents of Dove St have signed a petition explaining that Dove Street is in deplorable condition, for both driving and walking. Perhaps in the worst condition of any Street in the City. The crumbling sidewalks and curb stones are spilling out onto the Street. The Street is layered with so many years of thickened pothole repairs that repairs no longer hold. **There are four disabled children living on Dove St. The condition of the Street makes it dangerous for these children to maneuver wheel chairs and to walk safely.**

Residents request by petition that Dove Street be placed at the top of the City's priority list of Streets to be paved and new sidewalks installed.

A signed petition and photos will be presented

Thank you

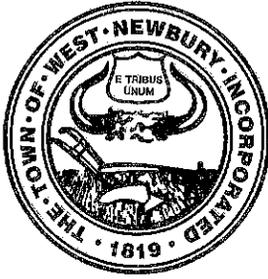
Susan and David Mills

#28 Dove ST









## TOWN OF WEST NEWBURY

### BOARD OF SELECTMEN

1910 TOWN OFFICE BUILDING

381 Main Street, West Newbury, Mass. 01985

Phone: 978-363-1100, Ext. 115

Fax: 978-363-1117

selectmen@wnewbury.org

July 1, 2015

Heather Rowe, Chief Administrative Officer  
City of Newburyport  
60 Pleasant Street  
Newburyport, MA 01985

2015 JUL -6 P 1:58  
RECEIVED  
CITY OF NEWBURYPORT

Dear Ms. Rowe:

The Board of Selectmen of the Town of West Newbury met at a regularly scheduled meeting on Monday, June 29, 2015 and voted unanimously to approve the extension of one year Inter-municipal (City of Newburyport and Town of West Newbury) Agreement for the Administrative of Shared Animal Control Services. The extension will start on July 1, 2015 and will expire on June 30, 2016.

Thank you and we look forward to another successful year.

Sincerely,

Kristine A. Pyle

Executive Administrator to the  
Board of Selectmen

cc: West Newbury Board of Selectmen  
Police Chief Lisa Holmes  
Michael McCarron, Town Counsel  
Newburyport City Council ✓

APPOINTMENTS  
FIRST READING

Re-Appointment #1  
July 13, 2015



# CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

RECEIVED  
MAYOR'S OFFICE  
NEWBURYPORT, MA

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

2015 JUN 29 P 2:32

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: June 29, 2015  
Re: Re-Appointment

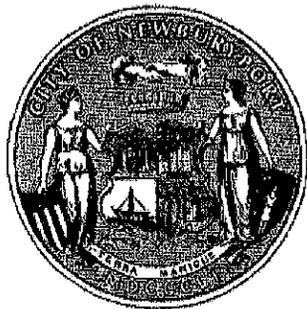
A handwritten signature in black ink, appearing to read "Donna D. Holaday", written over the "From:" line of the letterhead.

I hereby reappoint, subject to your approval, the following named individual as a member of the Fruit Street Local Historic District Commission. This term will expire on May 31, 2018.

Bonnie Sontag  
10 Upland Road  
Newburyport, MA 01950

**END OF CONSENT AGENDA**

**BEGINNING OF REGULAR AGENDA**



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR

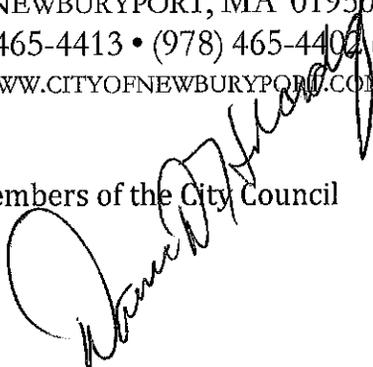
DONNA D. HOLADAY

60 PLEASANT STREET • P.O. Box 550  
NEWBURYPORT, MA 01950  
(978) 465-4413 • (978) 465-4400 (FAX)  
WWW.CITYOFNEWBURYPORT.COM

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2015 JUL -7 P 2:33

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

FROM: Mayor Donna D. Holaday 

DATE: July 13, 2015

RE: Water and Sewer Rates - Council Vote of June 29, 2015

---

On June 29, 2015, the City Council voted **not** to transfer \$450,000 and \$500,000 respectively from the Water and Sewer Retained Earnings accounts into FY16 Budget Reserve accounts. The request to transfer these funds was supported and put forward by my administration as unanimously voted on by the Water and Sewer Commission at their meeting on May 27, 2015. The effect of the City's Council's actions is a marked increase in the water and sewer rates for the City's ratepayers beginning July 1, 2015 which is precisely what my administration tried to mitigate by requesting the transfer of funds. For the average ratepayer, they will see a \$64.00 rise in water costs and an \$84.00 rise in sewer costs. Annually, that is a \$148 average increase on water and sewer bills for Newburyport's rate payers.

After the June 29 Council vote, the Water and Sewer Commission were required to convene a special meeting on July 2, 2015 to re-set the FY16 rates based upon the budget as appropriated by the Council. The new rates were set as follows:

**WATER RATE:**

1<sup>ST</sup> 3000 Cubic Feet: \$5.57/100 CF  
Over 3000 Cubic Feet: \$6.31/100 CF

**SEWER RATE:**

1<sup>ST</sup> 3000 Cubic Feet: \$8.34/100 CF  
Over 3000 Cubic Feet: \$9.09/100 CF

I am deeply concerned about the ability of the City's ratepayers to sustain such a dramatic increase in their water and sewer costs. As you know, we have invested in our treatment facilities within the past six years which was a long-overdue investment in this critical infrastructure. In an effort to stabilize the rates to account for the debt incurred for the capital improvements, using the retained earnings makes sense for our ratepayers. Additionally, the Water and Sewer Commission has developed a carefully determined financial strategic plan to gradually increase rates to address the cost of the renovations, and the June 29<sup>th</sup> Council vote has adversely affected this plan.

While I respect the authority of the City Council in the appropriation of funds; there has always been deference to the Water and Sewer Commission's legal responsibility to set the water and sewer rates. A rushed decision was made by the City Council without the appropriate knowledge or information based on broad statements about the odors at the plant and problems on Plum Island. I have kept you apprised of the consultants, Environmental Partners being hired with the highest reputation in wastewater odor controls as well as the settlement process with the Office of the Attorney General regarding Plum Island. Your desire to impact capital work only resulted in effectively set a higher rate and derailing the funding strategies set by the Water and Sewer Commission. There is no question that there continues to be needed infrastructure improvements within the Water and Sewer Divisions, but these needs will be met through bonding. \$500,000 is simply not enough money to address the remaining infrastructure improvements we need such as additional odor control measures, a new lift station, or fixes related to Plum Island's AirVac system. \$500,000 is, however, a sizeable amount of money to supplement the rates so that ratepayers do not have such a dramatic increase in these necessary household utility costs.

Please know that I plan to come back to the Council in the fall, again requesting a transfer from retained earnings to reserve accounts in so that the water and sewer rates can be lowered for the remaining quarters. As we are now in a new fiscal year, enterprise fund retained earnings are now frozen until recertified by the Department of Revenue. As such, it is my plan to come back to the Council following the certification of retained earnings later this fall in hopes that a portion of those balances can be used to reduce water and sewer rates for the second half of fiscal year 2016. While this certainly places an administrative burden on the City to change rates within a year, I believe this is a very important issue for our residents and business that pay for these services.

**APPOINTMENTS  
SECOND READING**

**MAYOR'S APPOINTMENTS**  
**July 13, 2015**  
**SECOND READING**

**APPOINTMENTS**

- |    |                          |               |                                     |               |
|----|--------------------------|---------------|-------------------------------------|---------------|
| 2. | Dr. Michelle R. LaFlamme | 3 Bricher St. | Commission on Diversity & Tolerance | June 1, 2018  |
| 3. | Jane Niebling            | 45 Temple St. | Tree Commission                     | June 30, 2018 |

**RE-APPOINTMENTS**

- |    |                  |                     |                            |               |
|----|------------------|---------------------|----------------------------|---------------|
| 4. | Richard Cummings | 7 Jewett Street     | Assistant Harbor Master    | June 15, 2018 |
| 5. | Susan Grolnic    | 10 Willow Avenue    | Planning Board             | May 31, 2020  |
| 6. | Wallace Thurlow  | 2 Dorothy Lucey Dr. | Atkinson Common Commission | May 1, 2018   |

**In City Council June 29, 2015**

Motion to approve the consent agenda by Councillor Giunta, seconded by Councillor Heartquist. So voted.

**ORDERS**

Order #1  
July 13, 2015

CITY OF NEWBURYPORT



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

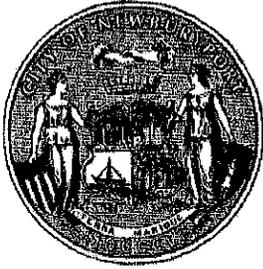
RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2015 JUL -2 P 2:44

ORDERED:

July 13, 2015

THAT, \$1,082,601.60 is appropriated for costs of a new transient boater facility project, including all costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Mayor is authorized to borrow said amount under G.L. c.44, §7(3), or any other enabling authority; that the Mayor is authorized to contract for and expend any federal or state aid or any other funds available for the project; and that the Mayor and the Treasurer are authorized to take any other action necessary or convenient to carry out this vote. While all notes and bonds issued under this loan order shall be general obligations of the City, it is the intent that the debt service on such notes and bonds be paid from Harbormaster Enterprise Fund revenues.

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



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

DONNA D. HOLADAY  
MAYOR

---

MEMORANDUM

---

TO: NEWBURYPORT CITY COUNCIL  
FROM: GEORDIE VINING, SENIOR PROJECT MANAGER  
SUBJECT: BOND AUTHORIZATION REQUEST: HARBORMASTER AND VISITING BOATER FACILITY  
DATE: 7/2/15

We are writing to respectfully request the City Council's authorization of a bond serviced by revenues from the Harbormaster Enterprise Fund to support construction of the Harbormaster and Visiting Boater Facility. The bond amount is \$1,082,602, which takes into account the consultant's itemized cost estimate plus a 5% construction contingency minus the \$448,059 federal Boating Infrastructure Grant secured by the City. The City's Finance Department and Harbor Commission analyzed the past seven years of Harbor Enterprise revenues and concluded that it is affordable. The Harbormaster Enterprise has had an annual average of \$98,575 available for capital investment and debt service, and a 20-year bond at a rate of 3.5% would be serviced by approximately \$76,173. There is also \$334,327 in the Harbormaster Enterprise retained earnings account as a reserve.

The design for the new facility has been developed over the course of the past year-and-a-half. There have been nineteen public meetings on the project through the Harbor Commission, the Newburyport Redevelopment Authority, the Waterfront Trust, the Planning Board, the Conservation Commission, and other venues. The project has received an Order of Conditions, a Chapter 91 license, a variance from the Architectural Access Board regarding elevators, and Site Plan Review approval, and is fully permitted. In partnership with the state's Division of Marine Fisheries, the City has also secured a nationally competitive federal Boating Infrastructure Grant, which requires a local match. Pending authorization of construction funding, we anticipate bidding the project this August and initiating construction in the fall of 2015.

The facility will be located on the City's Fish Pier at the eastern end of the central waterfront, which will allow for optimum monitoring of the river by the Harbormaster and easy accessibility from the boardwalk and floats by the public. The facility will provide much-needed toilet facilities for the general public at the central waterfront. The existing office on the Fish Pier is not sufficient to meet the growing demand from the general public and visiting boaters for services. The current structure has very limited customer service space, and no space for staff lockers, storage space, or bathroom facilities.

In order to avoid impacting the existing hoist, gear, and parking areas on the Fish Pier, the new facility will occupy the space of the existing brick plaza in the northwestern quadrant. The fishermen's monument will be relocated to a new upgraded brick plaza with landscaping, seating and lighting on the adjacent property owned by the Newburyport Redevelopment Authority. The new structure will be raised approximately three feet above grade – including an open deck and a covered breezeway – in order to accommodate storm surges and meet floodplain code requirements. One side of the building will provide a customer service and reception area, administrative office space, staff lockers and bathroom, and storage area. The other side, connected by the breezeway, will provide toilet facilities for the general public and showers, available for a fee, for visiting boaters. The building will also include a small second story (approximately 300 SF) on the eastern side of the

structure to provide a separate office for the Harbormaster. The second story vantage point will enhance public safety through the improved ability of the Harbormaster to monitor the river. The profile will also make the facility easier to locate from the river. In addition, the small second story will prevent intrusion into the utilitarian working area of the fish pier; and be less expensive than spreading the building out further on a single level with additional pilings, etc.

Located in the far eastern corner of the central waterfront, the building will not dominate the waterfront or block views of the river. The building will be inconspicuous from most of the expanse of the central waterfront, and the existing angles of the boardwalk promote views away from the Fish Pier location and out to the river's mouth. In addition, while the building will be more noticeable from Water Street through the Atkinson Building parking lot, there will continue to be water views from that vantage point.

The facility has been designed to meet the program established and the itemized cost estimates are higher than originally anticipated. However, the building has been value-engineered and the costs are all fully defensible. Cost drivers include:

- The floodplain location requires raising the entire structure three feet above grade, and the project therefore includes an extensive deck, breezeway, loading ramp, accessible ramp, and stairs, which nearly doubles the square footage.
- Site costs are higher due to the project's inclusion of constructing a "replacement" plaza for the outdoor plaza that will be displaced by the new building, including relocating the monument, brick, lighting, seating, and landscaping.
- The Fish Pier has unstable urban fill soils and requires steel pilings to bedrock vs. a simple conventional foundation.
- The waterfront site is not adjacent to nearby sewer and telecommunication connections, and so utility costs must incorporate a sewer pump and running sewer and telecommunications lines over 400' to Water Street.
- The building is primarily one-story, and thus has more roof, foundation, site preparation, etc. unit costs than multi-story buildings.

Please see the attached supporting documentation, including images of existing conditions, renderings of the new facility, floor plans and elevations, a site/landscaping plan, and the itemized construction cost estimate.

We anticipate completing design and bidding the project out in August and September of this year so that construction can begin this fall and the building envelope secured before winter weather hits and increases costs. We respectfully request that you approve this bond authorization so that we may proceed with implementing this long-awaited facility. Thank you for your consideration.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

July 13, 2015

WHEREAS the mission statement of the Newburyport Redevelopment Authority is "to revitalize blighted or deteriorated areas of the city" and is indicative of the former downtown business district which the authority improved after its establishment in 1960; and

WHEREAS the NRA currently owns a mixture of open space and parking lots; all of which could be improved but none of which are blighted or deteriorated; and

WHEREAS the Mayor convened a waterfront charrette on May 10, 2014, instructed 11 groups of residents to create maps for proposed designs of the NRA land, and the consensus was to not construct retail, restaurant, or otherwise residential or commercial structures; and

WHEREAS the NRA met for a year since that charrette and the only changes to the status quo are the erection of a pop-up park and the improvement of lighting; and

WHEREAS MGL Chapter 121B Section 4 states, in part, "Whenever a redevelopment authority determines that there is no further need for its existence, and that all outstanding obligations of the authority have been satisfied, it may by a majority vote of the five members submit the question of its dissolution...to the municipal officers."

THEREFORE, the Newburyport City Council humbly requests the Newburyport Redevelopment Authority vote on dissolution; and

FURTHER that a document be created to convey NRA land to the City until a new parking garage is constructed, at which point the land be further conveyed to the Newburyport Waterfront Trust.

Councillor Robert J. Cronin  
Councillor Larry G. Giunta  
Councillor Ari B. Herzog

# CITY OF NEWBURYPORT



---

IN CITY COUNCIL

July 13, 2015

**ORDERED:**

That The City Council of the City of Newburyport hereby approves the relocation of the polling place for Ward 5 and Ward 6 from 333 High Street (Bresnahan School) to 331 High Street (Community Center). This new location shall be used for the next Preliminary Local Election to be held on September 29, 2015 and any and all subsequent elections.

# ORDINANCES

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 29, 2015

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

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

### *Zoning Ordinance Amendment:*

### APPENDIX A: ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

#### Section II-B – Definitions.

Appendix A to the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended, by amending Section II-B – Definitions, by inserting the following definition alphabetically, and renumbering the subsequent definitions in this Section accordingly:

**15. Common Wall Connector.** An interior wall that is shared by and separates the two dwelling units of a two-family dwelling, or the dwelling units of a multifamily dwelling, and meets all four of the following requirements: (1) the shared length of the common wall is no less than 50% of the longest dimension of the rectangle in which the footprint of the larger unit exists; (2) it exists at the ground-level story and is at least as high as the eaves line of the lowest dwelling unit; (3) it separates enclosed interior space(s) in each of the dwelling units it separates; and (4) it connects the dwelling units in such a way that the building or structure containing them appears to be an integral whole rather than conjoined masses, as depicted in the diagrams below.

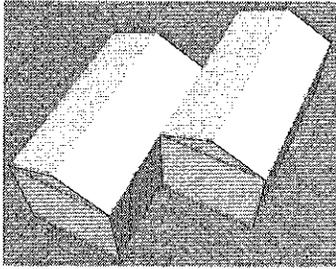
[Common Wall Connector Diagrams appear on the following page]

#### Section V-E – List of allowable uses.

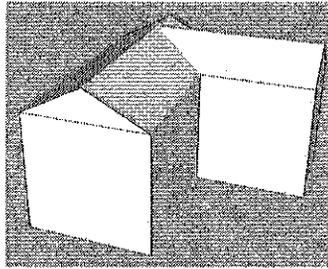
Appendix A to the Code of Ordinances, City of Newburyport, Massachusetts, is hereby further amended, by amending subsection 1 (residential uses) of Section V-E - List of allowable uses, as to Use Numbers 102 and 103, by deleting the relevant rows in their entirety, and replacing them with the following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

1. RESIDENTIAL USE	NUM	DESCRIPTION
Two-family	102	A building or structure that contains two (2) dwelling units on the same lot, and either a common floor-ceiling assembly between the upper and lower dwelling units, or a Common Wall Connector as defined in Section II-B - Definition.
Multifamily	103	A building or structure that contains three (3) or more dwelling units on the same lot, and either common floor-ceiling assemblies between the dwelling units, or Common Wall Connectors as defined in Section II-B - Definitions.

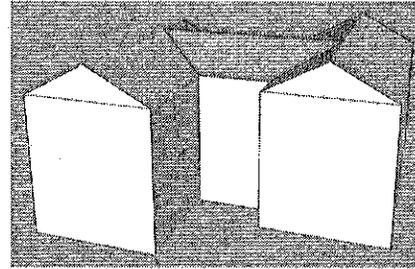
*Common Wall Connector Diagrams:* The following is an example of two-family or multifamily use contained in a building or structure that appears an integral whole.



**Acceptable**

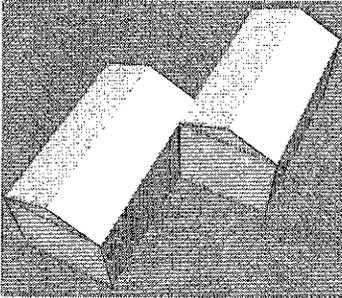


**Acceptable**

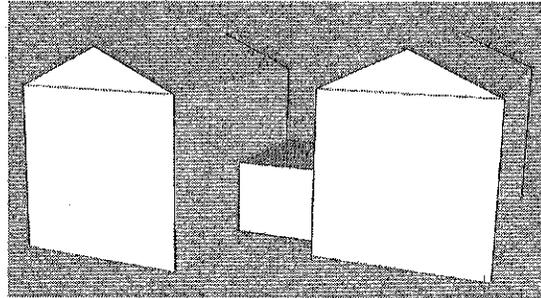


**Acceptable**

The following is an example of a building or structure that appears as conjoined masses, and so shall not meet the definition of two-family or multifamily use.



**Unacceptable**



**Unacceptable**

---

Councillor Jared J. Eigerman

**In City Council May 11, 2015**

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

**In City Council June 29, 2015**

Motion to remove from committee and take out of order by Councillor Cameron, seconded by Councillor Eigerman. So voted. Motion to amend to replace with document dated June 29, 2015 by Councillor Cameron, seconded by Councillor Eigerman. So voted. Motion to approve first reading as amended and order published by Councillor Cameron, seconded by Councillor Eigerman. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 26, 2015

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

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

Chapter 13                      Traffic and Motor Vehicles  
Article 4                        Specific Street Schedules  
Division 6                      Stopping, Standing and Parking  
Section 13-168                Parking restricted on certain streets.

No person shall park any vehicle on the following streets or portions of streets as indicated below:

ADD:

Toppans Lane	No parking 7:00 a.m. to 3:30 p.m. when school is in session on the easterly side from the intersection of Summit Place northerly for a distance of 75 feet.
--------------	---

Councillor Robert J. Cronin, Ward 3

**In City Council May 26, 2015**

Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Giunta. So voted.

**In City Council June 29, 2015**

Motion to remove by Councillor Cronin, seconded by Councillor Tontar. So voted. Motion to approve 1<sup>st</sup> reading and order published by Councillor Cronin, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.

## COMMITTEE ITEMS

## BUDGET AND FINANCE



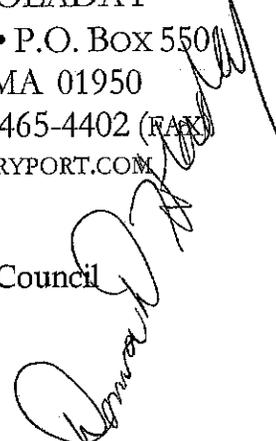
CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY

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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 MAR 17 A 10:00

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: March 17, 2014  
Subject: City Council Order Relative to Revolving Fund Expenses



It has come to my attention that there is a proposed City Council order that seeks to amend the manner in which revolving funds are authorized and managed. Specifically, it orders that the City Council "annually authorizes" a list of seventeen revolving funds and "that any expenditure greater than \$7,500 shall be approved by a majority vote of the Newburyport City Council". I respectfully urge the withdrawal of this order for the following reasons.

Attached is a copy of M.G.L. Ch. 44, §53E½, which grants cities and towns the ability to create departmental revolving funds. In relevant part, the law states that the City Council shall "annually authorize the use of one or more revolving funds" and that "expenditures may be made from such revolving fund without further appropriation, subject to the provisions of this section; provided, however, that expenditures shall not be made or liabilities incurred from any such revolving fund in excess of the balance of the fund nor in excess of the total authorized expenditures from such fund."

After conferring with Donald Gorton, Counsel for the Bureau of Municipal Finance at the Massachusetts Department of Revenue, he has indicated that the proposed order is in direct conflict with §53E½. While the statute specifically gives the City Council the ability to vote on the authorization of revolving funds annually, once authorized, expenditures of any value are permitted to be made "without further appropriation" up to the limit placed on "the total amount which may be expended from such fund in the ensuing fiscal year." It is important to note that the statute also limits how much is spent annually from each separate revolving account: "...no board, department or officer shall be authorized to expend in any one fiscal year from all revolving funds under its direct control more than one percent of the amount raised by taxation by the city or town in the most recent fiscal year for which a tax rate has been certified..."

MHR JBF  
RC ECA

Mr. Gorton noted that the statute already narrowly defines what municipalities can and cannot do with respect to revolving funds. As such, beyond the annual vote to authorize the revolving funds, the City Council lacks any further statutory authority to manage individual expenditures within the funds, provided those collective expenditures do not exceed the total annual spending limit or fund balance.

I continue to be a steadfast proponent of open government. I also take my fiduciary duties as Mayor very seriously. The detailed budget document and capital improvement plan that are available on the City's website, along with my bi-weekly public update for the City Council, are just a few examples of steps that I have taken to improve the public's understanding of the activities of their local government and to document my strategic approach to managing the City's finances. I am always open to ideas to improve transparency and fiscal stewardship, so long as they are not in conflict with state law and do not impede upon the efficiency of serving our community.



Print

**PART I** ADMINISTRATION OF THE GOVERNMENT  
(Chapters 1 through 182)

**TITLE VII** CITIES, TOWNS AND DISTRICTS

**CHAPTER 44** MUNICIPAL FINANCE

**Section 53E1/2** Revolving funds

Section 53E1/2. Notwithstanding the provisions of section fifty-three, a city or town may annually authorize the use of one or more revolving funds by one or more municipal agency, board, department or office which shall be accounted for separately from all other monies in such city or town and to which shall be credited only the departmental receipts received in connection with the programs supported by such revolving fund. Expenditures may be made from such revolving fund without further appropriation, subject to the provisions of this section; provided, however, that expenditures shall not be made or liabilities incurred from any such revolving fund in excess of the balance of the fund nor in excess of the total authorized expenditures from such fund, nor shall any expenditures be made unless approved in accordance with sections forty-one, forty-two, fifty-two and fifty-six of chapter forty-one.

Interest earned on any revolving fund balance shall be treated as general fund revenue of the city or town. No revolving fund may be established pursuant to this section for receipts of a municipal water or sewer department or of a municipal hospital. No such revolving fund may be established if the aggregate limit of all revolving funds authorized under this section exceeds ten percent of the amount raised by taxation by the city or town in the most recent fiscal year for which a tax rate has been certified under section twenty-three of chapter fifty-nine. No revolving fund expenditures shall be made for the purpose of paying any wages or salaries for full time employees unless such revolving fund is also charged for the costs of fringe benefits associated with the wages or salaries so paid; provided, however, that such prohibition shall not apply to wages or salaries paid to full or part-time employees who are employed as drivers providing transportation for public school students; provided further, that only that portion of a revolving fund which is attributable to transportation fees may be used to pay such wages or salaries and provided, further, that any such wages or salaries so paid shall be reported in the budget submitted for the next fiscal year.

A revolving fund established under the provisions of this section shall be by vote of the annual town meeting in a town, upon recommendation of the board of selectmen, and by vote of the city council in a city, upon recommendation of the mayor or city manager, in Plan E cities, and in any other city or town by vote of the legislative body upon the recommendation of the chief administrative or executive officer. Such authorization shall be made annually prior to each respective fiscal year; provided, however, that each authorization for a revolving fund shall specify: (1) the programs and purposes for which the revolving fund may be expended; (2) the departmental receipts which shall be credited to the revolving fund; (3) the board, department or officer authorized to expend from

such fund; (4) a limit on the total amount which may be expended from such fund in the ensuing fiscal year; and, provided, further, that no board, department or officer shall be authorized to expend in any one fiscal year from all revolving funds under its direct control more than one percent of the amount raised by taxation by the city or town in the most recent fiscal year for which a tax rate has been certified under section twenty-three of chapter fifty-nine. Notwithstanding the provisions of this section, whenever, during the course of any fiscal year, any new revenue source becomes available for the establishment of a revolving fund under this section, such a fund may be established in accordance with this section upon certification by the city auditor, town accountant, or other officer having similar duties, that the revenue source was not used in computing the most recent tax levy.

In any fiscal year the limit on the amount that may be spent from a revolving fund may be increased with the approval of the city council and mayor in a city, or with the approval of the selectmen and finance committee, if any, in a town; provided, however, that the one percent limit established by clause (4) of the third paragraph is not exceeded.

The board, department or officer having charge of such revolving fund shall report to the annual town meeting or to the city council and the board of selectmen, the mayor of a city or city manager in a Plan E city or in any other city or town to the legislative body and the chief administrative or executive officer, the total amount of receipts and expenditures for each revolving fund under its control for the prior fiscal year and for the current fiscal year through December thirty-first, or such later date as the town meeting or city council may, by vote determine, and the amount of any increases in spending authority granted during the prior and current fiscal years, together with such other information as the town meeting or city council may by vote require.

At the close of a fiscal year in which a revolving fund is not reauthorized for the following year, or in which a city or town changes the purposes for which money in a revolving fund may be spent in the following year, the balance in the fund at the end of the fiscal year shall revert to surplus revenue unless the annual town meeting or the city council and mayor or city manager in a Plan E city and in any other city or town the legislative body vote to transfer such balance to another revolving fund established under this section.

The director of accounts may issue guidelines further regulating revolving funds established under this section.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 17, 2014

THAT THE CITY COUNCIL OF THE CITY OF NEWBURYPORT, pursuant to MGL chapter 44 §53E ½; annually authorizes the following Revolving Fund accounts:

Plumbing Inspector  
Gas Inspector  
Electrical Inspector  
Council on Aging  
City Hall Maintenance  
Animal Control  
Transient Vendors  
Medicare/Medicaid  
South End Library Branch  
Downtown Paid Parking  
Historical Commission  
Planning and Zoning  
Engineering Services  
Disabilities Commission  
Veterans Benefits  
Recreational Services  
M-School Drop in Center

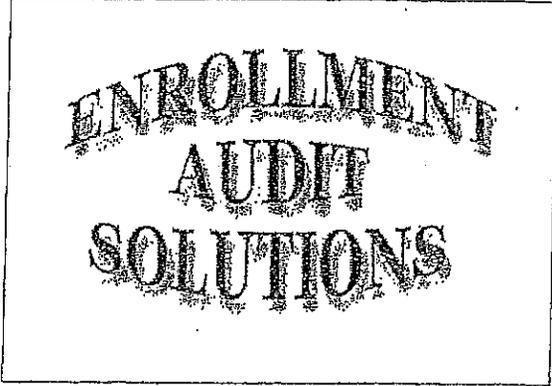
AND FURTHERMORE, it is a primary duty and responsibility of the Newburyport City Council to approve the City budget and provide general fiduciary oversight,

NOW THEREFORE BE IT ORDERED, THAT any expenditure greater than \$7,500.00 shall be approved by a majority vote of the Newburyport City Council.

Councillor Robert J. Cronin

*Ref dot  
RC  
LG*

044



DEPENDENT AUDIT REPORT  
CITY OF NEWBURYPORT

September 9, 2013



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

Communications  
April 27, 2015

RECEIVED  
CLERK'S OFFICE  
NEWBURYPORT, MA

2015 APR 21 P 1:24

DONNA D. HOLADAY  
MAYOR

ETHAN R. MANNING  
FINANCE DIRECTOR/CITY AUDITOR

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

---

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

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

---

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

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

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

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

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

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

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

---

JUN 08 2015

*BP pel/EC*

2015 JUN -2 10 2:30

*JE received*

CITY OF NEWBURYPORT



IN CITY COUNCIL

June 2, 2015

ORDERED:

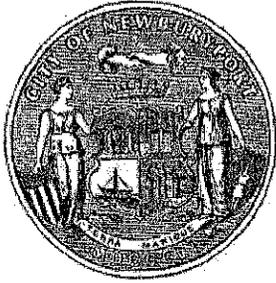
That the City Council appropriates from the Community Preservation Act FY 2016 estimated revenues, in accordance with the provisions of M.G.L. Chapter 44B, for the following projects, based upon the Community Preservation Committee's recommendation, the total amount of \$849,856.26. Each project listed below shall be considered a separate appropriation in the amount indicated for that project.

No.	Project Title	Requested Amount	Category	Recommendation
1	Clipper City Rail Trail	\$100,000	Recreation	\$70,000
2	Atkinson Common Historic Landscape Preservation, Phase II	\$55,000	Historic Resource	\$10,000
3	Cherry Hill Parcel B Soccer Field Improvement	\$150,000	Recreation	\$100,000
4	Inn Street Fountain Restoration	\$121,608	Historic Resource	\$50,000
5	Belleville Congregational Church Restoration	\$46,000	Historic Resource	\$18,000
6	Meeting House Steeple Preservation Project	\$150,000	Historic Resource	\$100,000
7	Newburyport Housing Rehabilitation Program	\$75,000	Community Housing	\$30,000
8	Newburyport Affordable Housing Trust	\$150,000	Community Housing	\$60,000
9	Firehouse Center for the Arts Roof Repair	\$150,000	Historic Resource	\$108,000
10	City Hall Debt	\$178,687.50	Historic Resource	\$178,687.50
11	Open Space Debt	\$113,168.76	Open Space	\$113,168.76
12	Administrative Costs	\$12,000	Administrative Expenses	\$12,000

Further, that the City Council appropriates from the Community Housing Reserves Fund Balance, in accordance with the provisions of M.G.L. Chapter 44B, for the following project, based upon the Community Preservation Committee's recommendation, the amount of \$12,000. This project shall be considered a separate appropriation.

No.	Project Title	Requested Amount	Category	Recommendation
13	Kelleher Park Community Building Rehabilitation Feasibility and Design	\$12,000	Community Housing	\$12,000

Councillor Charles F. Tontar



CITY OF NEWBURYPORT  
OFFICE OF PLANNING AND DEVELOPMENT

60 PLEASANT STREET • P.O. Box 550

NEWBURYPORT, MA 01950

(978) 465-4400 • (978) 465-4452 (FAX)

JUN 2 2015 2 P 3 54

DONNA D. HOLADAY  
MAYOR

---

MEMORANDUM

---

TO: NEWBURYPORT CITY COUNCIL  
FROM: GEORDIE VINING, SENIOR PROJECT MANAGER  
SUBJECT: CLIPPER CITY RAIL TRAIL: PHASE II - RIGHT-OF-WAY  
DATE: 6/2/15

We are writing to respectfully request that the City Council authorize the finalization of the 1.5 mile legal right-of-way for the Clipper City Rail Trail Phase II in order to meet federal and state requirements for federal-aid projects. We have been working directly with the various abutting landowners of the old rail corridor for a number of years on the right-of-way as well as the design of the project. The general objective has been to legally secure the public trail corridor in a manner that minimizes impacts on abutters and meets the requirements of MassDOT and the Federal Highway Administration (FHWA) so that the City can leverage approximately \$4 million in federal and state construction funding. The package of orders prepared by the City Solicitor includes:

- Authorization for the Mayor to enter into a 99-year lease and assent agreement with National Grid for the trail corridor;
- Authorization for the Mayor to convey a small land-locked parcel in the middle of the substation to National Grid;
- Dedication of the City owned property along the corridor to trail use;
- An order of taking for Joppa Park to establish a clear title and deed;
- Orders of taking for various temporary and permanent easements which have been donated by landowners;
- Authorizations to enter into temporary and/or permanent easement agreements with the American Yacht Club, New England Development, Range Light Limited Partnership, Salem Five Mortgage Company, the Newburyport Redevelopment Authority, and the Waterfront Trust;
- Authorization for the Mayor to swap land with property owner David Clarridge in order to widen the trail corridor along a narrow stretch;
- Authorization for the Mayor to accept a joint interest in Town of Newbury owned land;
- Authorization for the Mayor to grant a lease amendment to the American Yacht Club.

The right-of-way requirements for Phase II of the Rail Trail project along the former City Branch rail corridor have been considerably more demanding than for Phase I along the old Eastern Line rail corridor eight years ago. Securing the legal right-of-way for Phase I involved years of effort and expense, but the corridor consists only of land owned by the MBTA as well as some City and state land and three other landowners. The City Branch corridor of Phase II, however, has been broken up

by the B&M Railroad's sale of a number of parcels, and is physically narrower in places – it consists of land owned by multiple entities including National Grid, the U.S. Coast Guard, Salem Five Mortgage Company, New England Development, the Newburyport Redevelopment Authority, the Waterfront Trust, as well as the City the Town of Newbury. Retaining walls, fences, drainage structures and sidewalks affect a number of other landowners. The overall right-of-way involves about two dozen landowners and approximately 80 parcels.

In addition, MassDOT and FHWA have grown increasingly exacting in recent years regarding new right-of-way requirements, such as temporary easements for work along property lines, specific dedication of the use of public land, etc. While the City negotiated a 99-year license with National Grid in 2003 for the trail corridor, MassDOT and FHWA determined that we have to re-negotiate a 99-year lease with the utility. While the City and the Town of Newbury acquired land from B&M Railroad in 2006, MassDOT is now requiring dedication of the municipal land. While the City secured a permanent trail easement from Norbert Carey in 2010 on land he bought from B&M Railroad, MassDOT is requiring a revised easement with the current owner in order to incorporate work on retaining walls along the edges as well as an electrical easement. While the City secured permanent easements in 1999 on land now owned by New England Development, the easements need to be re-negotiated regarding width, alignment, and construction access. Finally, MassDOT is requiring the City to secure temporary and permanent easements from a number of owners for work along property lines such as fencing, retaining walls, drainage structures, and sidewalks which was not required a few years ago. This complexity has required the investment of a considerable amount of staff, consultant, and legal services time and money. However, this investment is a necessary prerequisite for leveraging the \$4 million in federal and state construction funding.

The “shovel-ready” package of plans and specifications is due to MassDOT by August 1<sup>st</sup> in preparation for an August 15, 2015 advertising date. The right-of-way must be certified by the City Solicitor this July. Construction funding for the project (80% federal and 20% state) is programmed in the Merrimack Valley Metropolitan Planning Organization's FFY2015-2018 regional Transportation Improvement Plan (TIP). While the project is scheduled to be advertised this FFY, it is likely that bids will be received and a contractor selected and mobilized in the spring of 2016.

Phase II of the Clipper City Rail Trail is a high priority for the City. Securing the legal right-of-way to meet MassDOT and FHWA requirements is one of the critical final elements in ensuring and leveraging the federal and state construction funding. Thank you for your consideration.

---

\* \* \*

*Best*



# City of Newburyport FY 2015 BUDGET TRANSFER REQUEST

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2015 JUN 23 P 3:10

**Department:** Mayor's Office  
**Submitted by:** Mayor Donna D. Holaday **Date Submitted:** 6/23/2015

**Transfer From:**

Account Name	<u>Insurance - 32-B</u>	YTD Bal:	\$	<u>191,199.47</u>
Account Number:	<u>01914001-51700</u>	Trans In:	\$	<u>-</u>
Amount:	<u>\$3,937.69</u>	Trans Out:	\$	<u>475,000.00</u>
Why are Funds Available:	<u>A surplus is anticipated in this account at year-end. YTD balance includes pending transfers totaling \$410,500 submitted June 8, 2015.</u>			

**Transfer To:**

Account Name	<u>Advertising</u>	YTD Bal:	\$	<u>-</u>
Account Number:	<u>01129002-52122</u>	Trans In:	\$	<u>-</u>
Amount:	<u>\$3,937.69</u>	Trans Out:	\$	<u>-</u>
Why are Funds Required:	<u>To pay costs associated with marketing the Newburyport Summer Shuttle being provided by the Merrimack Valley Regional Transit Authority. The purpose of the shuttle is to support economic development within the City.</u>			

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

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

Date: 6/23/15  
Date: 6/23/15

# Planning & Development

CITY OF NEWBURYPORT



IN CITY COUNCIL

ACCEPTING GIFT OF PUBLIC BATHROOMS AT CASHMAN PARK

ORDERED:

June 29, 2015

**WHEREAS**, the Newburyport Zoning Ordinance under Section XXV (Towle Complex Redevelopment Overlay District), Subsection XXV-E(7) requires that the developer construct "public lavatory facilities within Cashman Park if so requested by the City of Newburyport"; and

**WHEREAS**, an August 11, 2008 City Council Order authorized the Mayor to accept the "Benjamin Choate -William Morss Carriage House," commonly referred to as the "Towle Barn", with the condition and purpose of installing publicly accessible bathroom facilities at Cashman Park to fulfill the above condition through an adaptive reuse of said historic structure; and

**WHEREAS**, the developer, First Republic Corporation of America, represented by Berkley Investments, Inc. and Blatman, Bobrowski, Mead & Talerman, LLC has confirmed its proposed alternative plan to renovate and adaptively reuse said Towle Barn as a residential unit within the Towle Complex Redevelopment project; and

**WHEREAS**, a June 16, 2015 letter from Mayor Holaday to the Parks Commission, and a subsequent June 18, 2015 vote of the Parks Commission collectively agree to accept the proposed public bathroom facilities at Cashman Park, subject to Parks Commission approval of the final design and location;

**NOW THEREFORE LET IT BE RESOLVED AND ORDERED** that the prior August 11, 2008 Order adopted and approved by the City Council regarding this matter is hereby repealed; and

**FURTHER**, that the City Council of the City of Newburyport, under the provisions of M.G.L. Chapter 44, § 53A½, accepts the gift of new seasonal bathroom facilities to be installed at Cashman Park, as depicted and described in attachments provided by the developer's representatives and incorporated herewith, including a two-page written description dated June 23, 2015, three (3) plan sheets dated May 6, 2015, and a locus plan dated June 23, 2015, and subject to their satisfactory construction and installation, and confirmation of their proper operation by the City's Facilities Maintenance Supervisor, with the condition that final design and location of the proposed facilities shall be subject to review and approval by the Parks Commission prior to installation; and

**FURTHER**, that the Mayor is hereby authorized to act on behalf of the City and enter into any and all instruments, to execute any necessary related documentation, and to take any other actions necessary to execute this acceptance accordingly.

*Revised (7/1)*  
*JE*  
*RC*  
*LG*  
*SW*  
Councillor Robert J. Cronin

# Towle Condominium Development

## Preliminary Specifications for Public Lavatory Facilities in Cashman Park

June 23, 2015

---

### PROJECT DESCRIPTION

---

As part of the Towle Condominium Development proposed at 260 – 274 Merrimac Street under the Towle Complex Redevelopment Overlay District, public lavatory facilities will be constructed in Cashman Park as a turnkey project per the following plan references and scope of work description:

1. Location plan dated June 23, 2015 and entitled "Proposed Location of Public Lavatory Facilities in Cashman Park."
2. Plan prepared by Bruner/Cott dated May 6, 2015 and entitled "Towle Condominium Development / Special Permit / Public Lavatory."

---

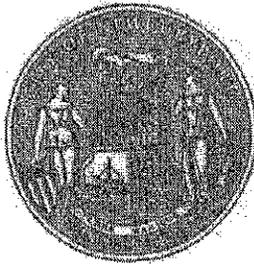
### SCOPE OF WORK DESCRIPTION

---

The scope of work for the proposed public lavatory facilities in Cashman Park consists of the following:

1. Turnkey construction of an un-winterized building for accommodating accessible public bathrooms.
2. Accessible asphalt walkway to building entrance.
3. Accessible asphalt sidewalk extension to connect to existing walkway to nearby playground.
4. Landscaping to consist only of prepping and hydro-seeding areas disturbed by construction.
5. Building set on a concrete slab; interior flooring treatment to be polished concrete.
6. Building to be wood-framed construction.
7. Exterior siding to be HardieShingle or equal and factory painted.
8. Interior walls to be exposed wood planks or an appropriate resilient wall panel product.
9. Roofing material to be architectural (asphalt) shingles.
10. Men's and women's bathrooms each with the following:
  - a. 1 floor-mounted toilet.
  - b. Associated grab bars.
  - c. 1 toilet seat cover dispenser.
  - d. 1 sink (floor mounted or pedestal) and counter.
  - e. 1 touch-less faucet.
  - f. 1 soap dispenser.

- g. 1 touch-less hand dryer.
  - h. 1 folding changing table.
  - i. Bathroom door signage.
11. Supply closet located in-between the bathrooms.
  12. Water and sewer connections from closest available sources.
  13. 1 floor drain per bathroom.
  14. 1 hose bib per bathroom.
  15. Bathrooms to be passively ventilated. EXCLUDED: Any mechanical heating and/or cooling system.
  16. Power supply either brought to the building or from solar panels mounted on the roof (pending cost review and feasibility study).
  17. 3 photocell operated exterior lighting fixtures mounted to the building.
  18. Interior lighting to consist of motion detector operated fluorescent strip fixtures.



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

June 16<sup>th</sup>, 2015

Kimberly Turner, Chair  
Newburyport Parks Commission  
Newburyport City Hall  
60 Pleasant Street, PO Box 550  
Newburyport, MA 01950

Re: Cashman Park Bathrooms – Operation & Maintenance

Members of the Commission:

I have received a copy of your letter to the Zoning Board of Appeals (ZBA) dated June 3, 2015 regarding the so-called "Towle Barn". It concerns me that your request was not first discussed with me and coordinated with the many other considerations our City now has with respect to this project. We have worked for the past four years to get First Republic back into the City to complete this project.

Although the City previously discussed many options with the original developers regarding reuse of the Towle Barn and the creation of public bathrooms at Cashman Park, there was never a coherent or conclusive plan regarding outfit and use of the two-story structure. Most importantly, there has never been a solid commitment from any City Department to pay for the cost of operating this new facility. Despite an expression of interest from Merrohawke School to occupy the building, there is no funding to complete the extensive and necessary upgrades to this building nor can the Parks Commission sole source a contract of this nature to one selected company or non-profit.

The Planning Board's decision, approved in 2007 required only that the developer relocate the Barn to Cashman Park and provide evidence that the Planning Director, Youth Services Director and the Parks Commission are "satisfied with the Barn's condition." The decision included no specifications regarding an elevator, heating system or other such upgrades. Nor can the Planning Board delegate this decision regarding permitting mitigation to a third party as originally contemplated.

It is in the best interest of the City of Newburyport to allow the developer (Berkley Investments, Inc.) to modify their original proposal by allowing adaptive reuse of the Towle Barn on-site as one of their waterside residential units, with new bathroom facilities to be constructed at Cashman Park for the City's use. This alternative has been presented to me by Lisa Mead, attorney for the developer and I have recommended that she and her team pursue this alternative in lieu of their original request (to eliminate the Barn entirely). This modification would allow the project to proceed while addressing historic preservation of the Barn, which according to the developer is structurally intact.

As Mayor I will ensure that adequate funding is included in the City's budget each year to provide for maintenance and upkeep of the new bathrooms. For efficiency I would like to establish one consolidated contract for maintenance of seasonal bathrooms at Plum Island Point, the Central Waterfront, Moseley Woods, Cashman Park and Atkinson Common.

I trust that this addresses your concern regarding maintenance of public bathroom facilities at Cashman Park and perceived need for a "tenant" in a larger building. The potential for adaptive reuse of the Towle Barn as a residential unit on-site will help to resolve a number of issues from the original project scope. I believe this solution is in the City's overall best interest and ask for your assistance in this regard by way of consensus. I am available to discuss this further and thank all of you for your continued care and diligence in the operation of our parks. Thank you again.

Sincerely,



Donna D. Holaday

MAYOR, CITY OF NEWBURYPORT

CC: Newburyport City Council  
Newburyport Planning Board  
Newburyport Historical Commission  
Newburyport Zoning Board of Appeals

**PUBLIC SAFETY**

pas

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 19, 2015

An Ordinance Entitled Regulation of residential and dwelling house solicitation of goods, wares, or services.

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

Chapter 9                      Licenses, Permits and Business Regulations  
Article 7                        Transient Vendors, Hawkers and Peddlers  
Division 3                       Regulation of residential and dwelling house solicitation of goods, wares, or services.

Short Title                      Regulation of door to door sales

Add:

**9-168 Purpose and Intent**

The door to door solicitation of goods, services, and other wares can be disruptive and/or disconcerting to the daily lives for residents of dwelling houses in the City of Newburyport. To provide a better level of comfort to residents, the City of Newburyport Police Department will issue permits to vendors and solicitors that apply for and pass the requirements of the Newburyport Solicitor's Identification Card permit.

**9-169 Definitions**

- (a) "Solicitor", any person or persons who arrives at a person's residence or dwelling house within the City of Newburyport soliciting, selling or taking orders for any goods, wares, merchandise, property of any kind, or services of any nature for immediate delivery or performance in exchange for compensation.
- (b) "Permit", a City of Newburyport Solicitor Identification Card issued by the Newburyport Police Department.
- (c) "Residence", any home, apartment or condominium that is being used as a dwelling house.

**9-170 Limitations**

- (a) No person, either principal or agent, whether or not that person is licensed as a transient vendor, sales agent, hawker or peddler by the Commonwealth of Massachusetts under Chapter 101 of the General Laws or otherwise, shall go to any dwelling place or residence with the City of Newburyport soliciting or taking orders for any goods, wares, merchandise, property of any kind or services of any nature, for

- future or immediate delivery or performance in exchange for compensation, without having first registered with the City Marshal or his designee and having received a Solicitor Identification Card.
- (b) The City Marshal, following application by such person, shall if satisfied with the honesty, character and criminal history, if any, of the applicant, issue a Solicitor Identification Card to that person for a time period not to exceed 12 months. Said card shall be conspicuously carried by the solicitor whenever soliciting or taking orders for goods as provided in the preceding paragraph. Said permit shall contain the photograph, signature, and any other information deemed pertinent by the City of Newburyport City Marshal or his designee.
  - (c) Any vehicles used for transportation of Solicitors working in Newburyport regardless of ownership, shall be on file at the Newburyport Police Department. Vehicle information shall include, but not be limited to, registration, ownership, make, model, and vehicle color.
  - (d) Solicitors shall inform the City of Newburyport Police department prior to commencing their daily planned activity
  - (e) The Solicitor's Identification Card application fee shall be \$50.00 per person and is not transferable. Should an applicant fail to meet the provisions of application, the fee is nonrefundable.
  - (f) The City Marshal may for cause, and after providing the opportunity for a hearing, order any such person who has been issued a Solicitor Registration Card to surrender that card to him.
  - (g) Persons 17 years or younger that from time to time solicit for a school or sports team fundraiser and/or lawn cutting, snow shoveling or odd job services are exempt so long as they are not affiliated with any landscaping, snow removal, or service company.
  - (h) No person shall in any event engage in soliciting or taking orders except during the hours of 9:00 a.m. and 5:00 p.m.
  - (i) No person shall enter upon the property of another or engage in soliciting at any residence or dwelling house in any manner which has conspicuously posted a "No Solicitors" or similar sign.

#### **9-171 Enforcement**

- (a) "*Enforcement Agents*", City of Newburyport Police Department is the enforcement authority of this ordinance.
- (b) "*Inspection of Identification*", City of Newburyport Police Officers whether responding to a complaint or acting on their own accord, may require inspection of a Solicitor's Identification Card upon request.
- (c) "*Qualification for obtaining card*", the Newburyport Police Department shall investigate the character, honesty and criminal history, if any, of the applicant. This decision to issue a Solicitor Identification Card is in the sole discretion of the City Marshal or his designee.
- (d) Any person who violates any provision of this section shall be subject to a fine of up to \$250.00.

**Councillor Robert J. Cronin, Public Safety Chair**  
**Councillor Thomas F. O'Brien, President**



Communication #1  
JUN 26 2015  
8 2015

OFFICE  
2015

**Newburyport Firefighters Local 827**  
**International Association of Firefighters**

2015 MAY 26 P 1:45

0 Greenleaf Street  
Newburyport, MA 01950

To: Newburyport City Council

May 26, 2015

The Newburyport firefighters would like to ask permission to hold it's annual

Fill-The-Boot Drive for the Muscular Dystrophy Association during the 2015 Yankee Homecoming Celebration. The location will be Market Square on Thur July 30, Friday July 31, and Sat Aug 1, All proceeds collected go directly to MDA. Thank you for your continued support.

Firefighter Michael Kent

*Michael J Kent*  
MDA Chairman

Contact Info: Newburyport Fire Dept : 978-465-4427

Michael Kent: 978-360-1361

ps

**SPECIAL EVENT APPLICATION**

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

SPECIAL EVENTS

Tel. Fax.

(For Parades, Road Races and Walkathons Only - Please complete reverse side of this application) 2015 JUN 22 A 9:02

NAME OF EVENT: Newburyport Open Streets

1. Date: Sunday, September 20, 2015 Time: from 12 (noon) to 4pm

Rain Date: Sunday, September 27 Time: from 12 (noon) to 4pm

2. Location: See route (attached)

3. Description of Property: Neighborhood streets and City parks Public  Private

4. Name of Organizer: Newburyport Open Streets, Parks Dept. City Sponsored Event: Yes  No

Contact Juliet Walker Lise Reid Person:

Address: 13 Eagle St City Hall (978-518-9720) Telephone:

E-Mail: jtw51802@verizon.net Cell Phone: 978-518-1249

Day of Event Contact & Phone: same

5. Number of Attendees Expected: 500-1000

6. MA Tax Number:

7. Is the Event Being Advertised?  Yes  No Where? Local media

8. What Age Group is the Event Targeted to? All ages

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

Would like to begin outreach when event date is approved. Will include publicly advertised meetings as well as door to door outreach.

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

A. Vending: Food  Beverages  Alcohol  Goods  Total # of Vendors 2 or 3

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

Performers  Dancing  Amplified Sound  Stage

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

Other  Total #

Name of Carnival Operator:

Address:

Telephone:

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

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

#  Standard # 2 ADA accessible

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE \_\_\_\_\_

ROAD RACE \_\_\_\_\_

WALKATHON \_\_\_\_\_

Other

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon: City of Newburyport Parks Department, Newburyport Open Streets

2. Name, Address & Daytime Phone Number of Organizer: Juliet Walker, 13 Eagle St, 978-518-1249  
Lise Reid, Parks Director, City Hall, 978-518-9720

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

4. Date of Event: September 20 Expected Number of Participants: 500-1000

5. Start Time: 12 Expected End Time: 4pm

6. Road Race, Parade or Walkathon Route: (List street names & attach map of route): Pleasant St, Titcomb St, Market St, Washington St, Clipper City Rail Trail, Oakland St, Jackson St, Woodland St, Maple St, Forrester St, Stanley Ave, Parker Ridge Way, Jefferson St, Christopher St, Plummer Ave

7. Locations of Water Stops (if any): \_\_\_\_\_

8. Will Detours for Motor Vehicles Be Required? Yes If so, where? All streets along the route will be closed to motor vehicle traffic for the duration of the event.

9. Formation Location & Time for Participants: \_\_\_\_\_

10. Dismissal Location & Time for Participants: \_\_\_\_\_

11. Additional Parade Information:

• Number of Floats: \_\_\_\_\_

• Locations of Viewing Stations: \_\_\_\_\_

• Are Weapons Being Carried: Yes \_\_\_\_\_ No \_\_\_\_\_

• Are Marshalls Being Assigned to Keep Parade Moving: Yes \_\_\_\_\_ No \_\_\_\_\_

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE/CROSSING

CITY MARSHAL R C R 4 Green St FIRE CHIEF Lt Parsogl Greenleaf St.

DEPUTY DIRECTOR Apfner 1 Perry Way CITY CLERK [Signature] 60 Pleasant St

**DEPARTMENT APPROVAL (For Committee members use only):**

It will be necessary for you to obtain permits or certificates from the following Departments: Please note that costs for some City support services during an event are an estimate only. Some Departments may forward an invoice for services rendered at the completion of the event, & others may request cash in advance payment.

<b>Approval Required</b>	<b>Date:</b> _____	<b>Signature</b> _____
_____	1. Special Events:	_____
_____	2. Police:	_____
	Is Police Detail Required:	_____ # of Details Assigned: _____
_____	3. Traffic, Parking & Transportation:	_____
_____	4. ISD/Health:	_____
_____	5. ISD/Building:	_____
_____	6. Electrical:	_____
✓	7. Fire:	_____ Lt <i>Panshian</i>
	Is Fire Detail Required:	_____ # of Details Assigned: _____
_____	8. Public Works:	_____
✓	9. Recreation Department:	_____ <i>(Signature)</i>
_____	10. License Commission:	_____

**The Departments listed above have their own application process. Applicants are responsible for applying for and obtaining all required permits & certificates from the various individual Departments.**

**Limitations**

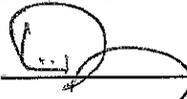
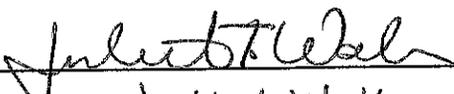
- (a) "Procedure" All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, board of directors, charity foundation or designee apply for authorization to hold the event through the Office of the City Clerk. The City Clerk upon review of the completed form will place the application on the regular City Council agenda. Upon following the procedures of the Council, as deemed appropriated in the sole judgment of the Council, the application will be considered approved if the Council votes favorably by majority. The event will name one person responsible on the application and shall provide contact information to include name, address and telephone number.
- (b) "Exemptions" Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.
- (c) "Course map", All applications shall be accompanied by a course map showing the event route, water stops, refreshment stops, and so-called "porta-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by Police, Fire, Department of Public Services, Parks Commission and Harbormasters Departments prior to submission to the City Clerk.
- (d) "Electronic Amplifier" Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8:00 A.M. except for Sundays when electronic amplifiers, loud speakers or bullhorns will be used for public address announcements or music before 9:00 AM. This shall be deemed a requirement for all permitted events regardless of type or location.
- (e) "Road Closure" No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents ten (10) days in advance that neighborhood roads will be closed if no alternate route is available to those residents.

- (f) *"Insurance"* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an insured. The policy shall be no less than two million dollars (\$2,000,000.00).
- (g) *"Event termination"* If in the judgment of the City Marshal, Fire Chief or Department of Public Services (DPS) Director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the Harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.
- (h) *"Event and traffic Security"* The City Marshal, Fire Chief, DPS Director or in the case of a triathlon, the Harbormaster can require special duty personnel to oversee the safety and security of the event. All special duty assignments will be paid by the event organizers.
- (i) *"Clean-up"* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

**13-101 Enforcement**

- (a) *"Regulations"* Consistent with this ordinance, the city shall promulgate regulations to enforce and otherwise implement the provisions of this ordinance upon passage by the City Council. Any event previously approved by City Council shall be deemed permitted.
- (b) *"Warning"* In the circumstance that this ordinance is violated, the enforcement may consist of a warning. Any warnings issued for violation(s) will be reported to the City Clerk and City Council and may be used as a factor in future application approvals and denials.
- (c) *"Noncriminal Disposition"* If the city determines that a violation has occurred in which a noncriminal violation is issued, the named event organizer shall be penalized by a non-criminal disposition as provided in Massachusetts General Law as adopted by the City of Newburyport as a general ordinance in Subsection 1-17 of Chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in 13-101(d)
- (d) *"Violation"* The non-criminal violation shall be \$100.00 for the first offense and \$250.00 for second and subsequent offenses. Any non-criminal citations issued for violation(s) will be reported to the City Clerk and City Council and shall be used as a factor in future application approvals and denials.

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

Signed:   Date: 6/16/15  
 LISE REID Juliet Walker



CITY OF NEWBURYPORT



IN CITY COUNCIL

June 29, 2015

ORDERED:

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

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

Chapter 13: Traffic and Motor Vehicles  
Article IV: Specific Street Schedules  
Division 6: Stopping, Standing and Parking  
Sec. 13-175: Same – Two hours

No person shall park a vehicle for longer than two (2) hours between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays in the following described streets or parts thereof:

**Add the following:**

Street	Extent
North Atkinson	Both sides from the High Street for a distance of 80 feet.

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

\_\_\_\_\_  
Councillor Larry G. Giunta, Jr.

*rebe CT  
TO PS LG*