

CITY COUNCIL MEETING AGENDA v.1

CITY COUNCIL CHAMBERS

August 10, 2015

7:15 PM

Public Hearing

National Grid Electrical Box Installation at 1 Rawson Hill at High Street

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

July 13, 2015

(Approve)

8. TRANSFERS

1. Energy/Recycling Rsv Appr Solid Waste Fees to Hshold Haz Waste \$20,000, Chipper Svc \$10,000 (B&F)

9. COMMUNICATIONS

1. City of Newburyport net assessment for 2015-2016 Whittier Regional Voc. Tech. HS (B&F)
2. Statement re: Human Resources Dependent Audit (B&F)
3. Notification of Sept. 13, 2015 Raindate for PanMass Kids Ride (R&F)

10. APPOINTMENTS – None

END OF CONSENT AGENDA

REGULAR AGENDA

11. COMMUNICATIONS

4. Request for table in Market Square August 29, 2015 for MSPCA at Nevins Farm
5. Block Party Warren St. between Cutter & Griffin Cts September 12, 2015
6. LATE FILE – Mayor's Communication

12. APPOINTMENTS - Second Reading

RE-APPOINTMENTS

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

13. ORDERS

1. Resolution NRA Dissolution (originally introduced July 13, 2015)
2. Resolution NRA Disband
3. NRA Ad Hoc
4. Establish a Waterfront Committee
5. Authorizing Acceptance of Hamilton Estates Preservation Restriction
6. Authorizing Acceptance of Hamilton Estates Conservation Restriction
7. Electric Charging Station Green Street Lot
8. Regulations
9. Use of Bull Nose Music
10. Accept \$25,000 Grant Stanton Foundation
11. Resolution Car Free Day
12. Location Agreement Public Way Authorization

14. ORDINANCES

1. Tabled 2nd Reading Amend ORD Ch. 13-168 Parking Restricted Toppans Lane
2. 2nd Reading Amend Zoning Add Office Uses at Business Park
3. Tabled Amend Ch 9 Article 7 Div # Regulation of Door to Door Sales
4. Amend Ch11 Parks and Recreation
5. Amend Ch 9-111 Transient Vendors Definitions

15. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Order Home Rule Petition- supplementing education budget (COTW) *05/12/2014
2. Amend ORD Ch. 2 Section 2-45 City Council Salary *05/12/2014
3. Amend ORD Ch. 2 Section 2-61A School Committee Salary *05/12/2014
4. Letter from Hope Church regarding Master Box fee *11/10/2014
5. Order Appopr. for new transient boater facility proj. (back-up info on file in Clerk's office) *07/13/2015

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
2. Order Polling Place High Street *07/13/2015

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
5. New Application Outdoor Seating Dos Amigos Burritos 24 Pleasant Street *07/13/2015

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. 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. Order regarding Signs *05/26/2015
3. Newburyport Fire Dept. permission for Fill the Boot Drive July 30, 31, Aug. 1 for MDA *06/08/2015
4. Amend ORD Ch. 13 Article IV Div 6 Sec. 13-175 2 hr No. Atkinson *06/29/2015

- | | |
|--|-------------|
| 5. Special Event Application St. Vincent DePaul Walk for the Poor, Sept. 26, 2015 | *07/13/2015 |
| 6. Special Event Application 24 th Walk Against Violence, October 4, 2015 | *07/13/2015 |
| 7. Letter regarding condition of Dove Street | *07/13/2015 |

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 |
| 3. Mayor's Letter re: Water/Sewer rate vote | *07/13/2015 |

Rules Committee

16. GOOD OF THE ORDER

17. ADJOURNMENT

**PUBLIC HEARING
APPLICATION AND NOTICE**

Questions contact – Rudy Kocandrie, 781.727.7041
44 River St, Beverly, Massachusetts 01915

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

PETITION FOR ELECTRICAL BOX LOCATION

2015 JUL -7 P 12:19

To City Council
Of Newburyport, MA

NATIONAL GRID requests permission to locate above ground electrical box, including the necessary sustaining and protecting fixtures, along and across the following public way:

Street name - 1 Rawson Ave (@ High St)

Location approximately as shown on plan attached

Concrete base of electrical box: 3'4"x 2'8 1/4"x6" (above ground), 12" (below ground)

Electrical box: 36"x50"x17"

(also known as SCADA box on design)

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – 1 Rawson Ave, Newburyport, MA

No.# July 7, 2015

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

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

NATIONAL GRID

BY _____

Construction Supervisor

Questions contact – Rudy Kocandrie, 781.727.7041

ORDER FOR ELECTRICAL BOX LOCATION

In the City of Newburyport, Massachusetts

Notice having been given and public hearing held, as provided by law,

IT IS HEREBY ORDERED:

that NATIONAL GRID and be and it is hereby granted a location for and permission to erect and maintain electrical box to be placed thereon, together with such sustaining and protecting fixtures as said Company may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Company dated the _____.

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

No.# Dated: July 7, 2015. Filed with this order

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

The following are the public ways or part of ways along which the electrical box above referred to may be erected thereon under this order:

Street Name - 1 Rawson Ave

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

City/Town Clerk.
Massachusetts

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

Attest:
City/Town Clerk

I hereby certify that on _____
at _____

20__ , at _____ o'clock, M
a public hearing was held on the petition of _____

NATIONAL GRID

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

City/Town Clerk.

.....

.....

City Council of Newburyport, Massachusetts

CERTIFICATE

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

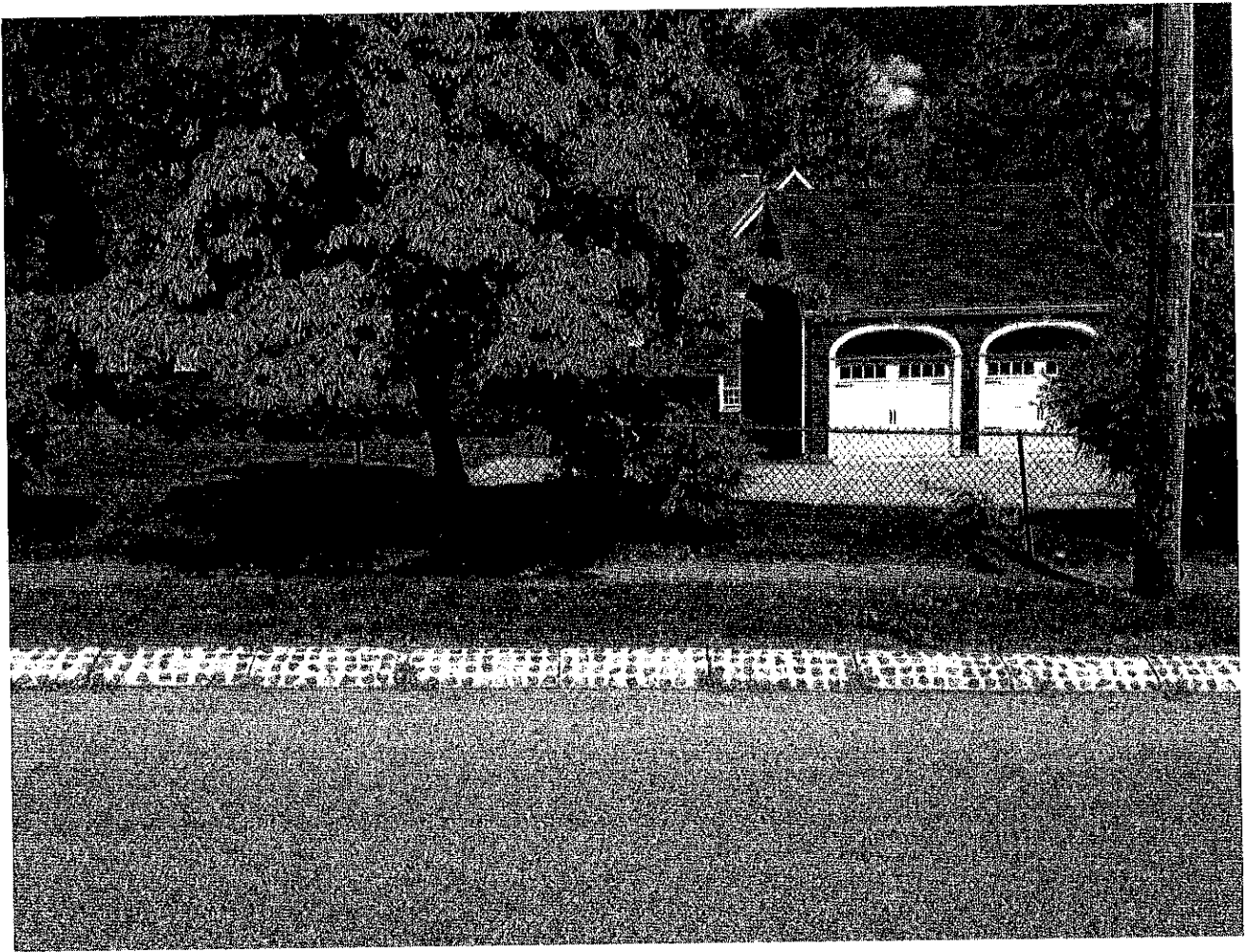
Attest:

City/Town Clerk

EXAMPLE ELECTRICAL BOX TO BE INSTALLED (Image from Pond St 2014)



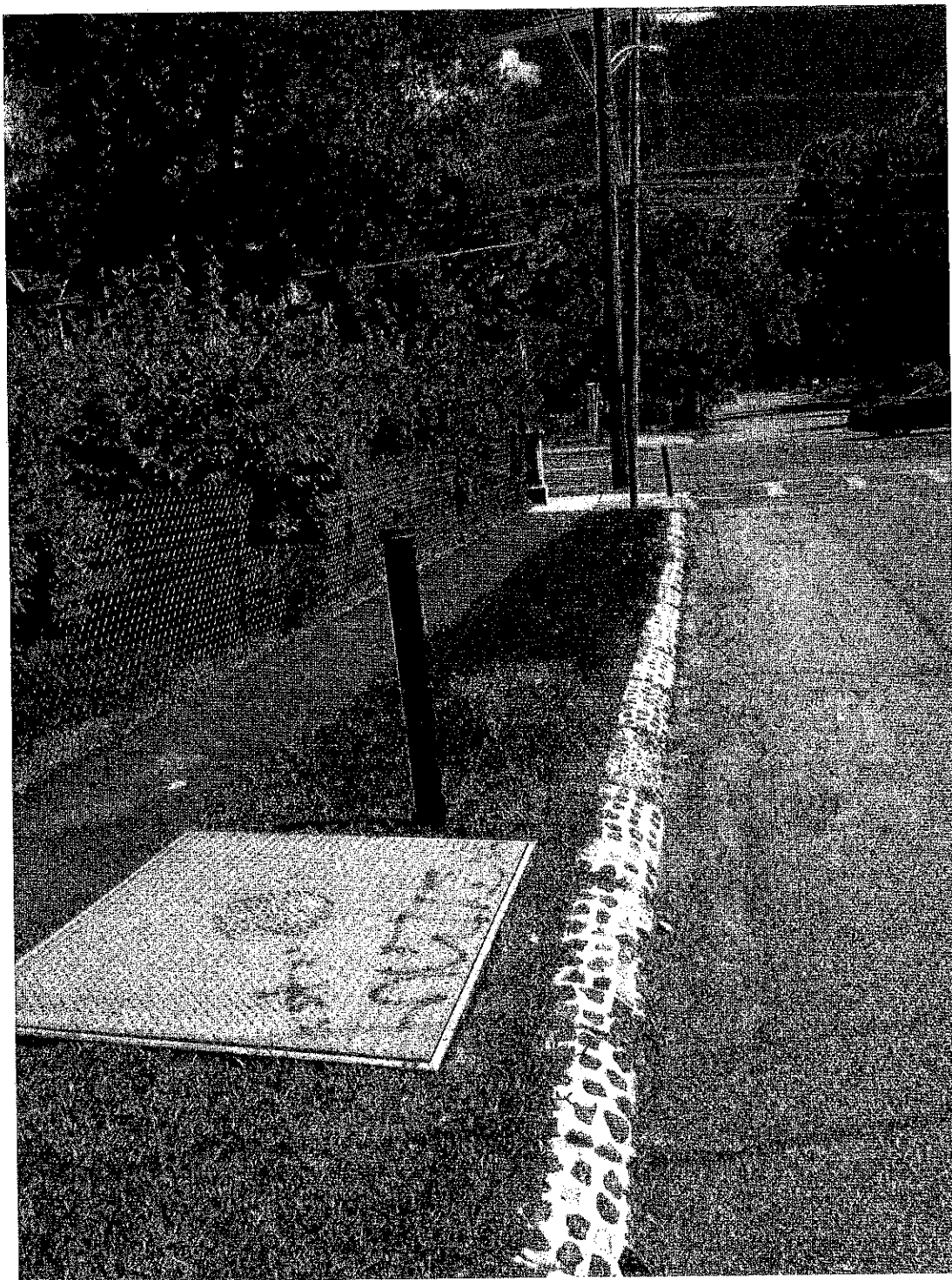
PROPOSED LOCATION OF NEW REGULATOR PIT (GRASS AREA/SIDEWALK)



EXISTING SIDEWALK TO BE REPLACED

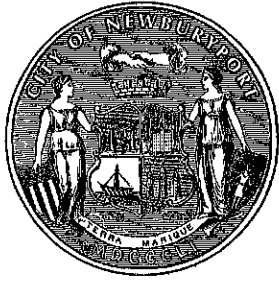


EXISTING VAULTS AND BALLARDS TO BE REMOVED



POND ST REGULATOR PIT INSTALLED IN 2014





CITY OF NEWBURYPORT

MASSACHUSETTS

CITY CLERK'S OFFICE

NEWBURYPORT CITY HALL

60 PLEASANT STREET • P.O. BOX 550

NEWBURYPORT, MA 01950

TEL: 978-465-4407 • FAX: 978-462-7936

RICHARD B. JONES

CITY CLERK

July 8, 2015

Dear Property Owner:

Notice is hereby given that a Public Hearing will be held on the petition of National Grid for the installation of electrical box. 36"x50"x17

1 Rawson Avenue @High St., Newburyport, MA 01950

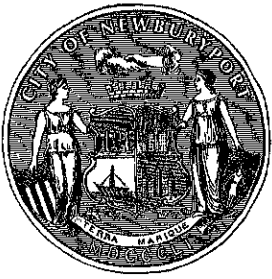
Said meeting will be held on Monday, August 10, 2015 at 7:15 PM in the City Council Chamber, City Hall, 60 Pleasant St., Newburyport, MA. At that time, all interested parties will have an opportunity to be heard.

An example of the Electrical Box to be installed enclosed.

Sincerely,

Tricia E. Barker

Assistant City Clerk



CITY OF NEWBURYPORT

OFFICE OF THE ASSESSOR

DANIEL RAYCROFT
CITY ASSESSOR

NEWBURYPORT CITY HALL
60 PLEASANT STREET
NEWBURYPORT, MA 01950

TEL: 978-465-4403

FAX: 978-462-8495

WWW.CITYOFNEWBURYPORT.COM

July 7, 2015

TO: Richard Jones, City Clerk

FROM: Board of Assessors

RE: 1 Rawson Avenue – Electrical box to be installed

The attached are the abutters to the above described location:

Daniel Raycroft

39/ 115/ / /

MILLER GERALDINE A
GREGORY M T/E
275 HIGH ST
NEWBURYPORT, MA 01950

39/ 116/ / /

HEALY DENNIS
ANN T/E
1-3 RAWSON AVE
NEWBURYPORT, MA 01950

39/ 117/ / /

WARWICK JERRYLE A TRS
STANWOOD FAMILY IRREV TRUST
1 1/2 RAWSON AVE
NEWBURYPORT, MA 01950

39/ 118/ / /

LACEY MARYANN
7 RAWSON AVE
NEWBURYPORT, MA 01950

40/ 16/ / /

WILLIAMSON HERBERT A-DOROTHY L
6 RAWSON AVE
NEWBURYPORT, MA 01950

40/ 17/ / /

COMOLLI DOUGLAS
ROXANNE D T/E
279 HIGH ST
NEWBURYPORT, MA 01950

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES - VERSION 1

July 13, 2015

7:30 PM

Council President O'Brien called the meeting to order at 7:32 pm. A moment of silence was held for George E. Andrews, retired City firefighter and James Griffin, retired City Assessor. 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, Kinsey, Tontar, Vogel and O'Brien. 11 present.

1. PUBLIC COMMENT

1. Bill Harris	56 Lime Street	NRA Transition Order #2
2. Joel Harris	24 Pleasant Street	New Application outdoor seating Dos Amigos
3. Susan & David Mills	28 Dove Street	
4. Peter Fitzsimmons	7 Arlington Street	Order #2
5. Leslie Eckholdt	36 Warren Street	Order #2
6. Bob Uhlig	10 Ocean Street	Order #2
7. Norm Hansen	12 Carleton Street	CPC Belleville Church
8. Bill Heenehan	First Religious Soc Bus Mgr	CPC FRCS
9. Tom Salemi	16 Tyng Street	NRA
10. Cheryl Amey	24 Milk Street	CPC
11. Jeanette Isabella	1 Lime Street	NRA Transition
12. Robert Foster	21 Dove Street	Dove Street Repair
13. Nathalie & Sophie Korpics	26 Dove Street	Dove Street Repair
14. Rebecca Huard	32 Dove Street	Dove Street Repair
15. Rob Germinara	2 Ashland Street	NRA Order #2
16. Erin Dunphy	31 Dove Street	Paving

2. 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.

3. APPROVAL OF MINUTES

June 29, 2015

(Approved)

4. TRANSFERS - None

5. 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 (Approved)
3. New Application Outdoor Seating Dos Amigos Burritos 24 Pleasant Street (L&P)
4. Special Event Application 24th Walk Against Violence, October 4, 2015 (PS)
5. Exchange Club annual request for tent in Market Square August 8 and 22, 2015 (Approved)
6. Letter regarding condition of Dove Street (PS)

Removed by Councillor Cronin.

7. Notice of approval of extension of IMA Animal Control Services West Newbury (R&F)

6. APPOINTMENTS – First Reading

RE-APPOINTMENTS

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

END OF CONSENT AGENDA

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

REGULAR AGENDA

7. COMMUNICATIONS

6. Letter regarding condition of Dove Street

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

8. Mayor's Letter re: Water/Sewer rate vote

Motion to refer to Public Utilities by Councillor Eigerman, seconded by Councillor Giunta. So voted.

9. LATE FILE – Mayor's Communication

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

8. 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 |

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

9. ORDERS

1. Appropriation for new transient boater facility project (back-up information on file in Clerk's office)

Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. So voted.

2. Resolution for dissolution of the NRA

Motion to refer to Planning & Development and Committee of the Whole by Councillor Cameron, seconded by Councillor Tontar. Roll call vote, 5 yes (Tontar, Cameron, Connell, Eigerman, O'Brien), 6 no. Motion failed.

Motion to table by Councillor Cronin, seconded by Councillor Herzog. Roll call vote, 4 yes (Herzog, Cronin, Eigerman, Giunta), 7 no. Motion failed.

3. Polling Place High Street

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

10. ORDINANCES

1. 2nd Reading Amend Zoning Definitions 2-Family and Mult-Family Uses

Motion to approve 2nd reading by Councillor Eigerman, seconded by Councillor Cameron. Roll call vote, 11 yes. So voted.

2. Pending Publication - 2nd Reading Amend ORD Ch. 13-168 Parking Restricted Toppans Lane

Motion to table by Councillor Cronin, seconded by Councillor Heartquist. So voted.

11. 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

Motion to remove #1 and #2 collectively by Councillor Tontar, seconded by Councillor Herzog. So voted.

Motion to approve collectively by Councillor Tontar, seconded by Councillor Giunta. Motion withdrawn.

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

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

Motion to remove by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to receive and file by Councillor Tontar, seconded by Councillor Heartquist. 10 yes, 1 no (O'Brien). So voted.

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
Motion to remove by Councillor Tontar, seconded by Councillor Herzog. So voted. Motion to receive and file by Councillor Tontar, seconded by Councillor Vogel. Motion to amend by Councillor Tontar, seconded by Councillor Vogel with the amendment that the Mayor report to the Council in three months on progress made in addressing the material weakness identified on page 3 of the Melanson Heath Management Report for the year ended June 30, 2014. So voted.

9. CPC FY2016 appropriations *06/08/2015
Motion to remove by Councillor Tontar, seconded by Councillor Herzog. So voted.
Councillor Eigerman recused himself from all votes.
Motion to approve \$70,000 for Clipper City Rail Trail by Councillor Tontar, seconded by Councillor Cameron. 10 yes, 1 recused (Eigerman). So voted.
Motion to approve \$10,000 for Atkinson Common Historic Landscape Preservation by Councillor Tontar, seconded by Councillor Kinsey. 9 yes, 1 no (Giunta), 1 recused (Eigerman). So voted.
Motion to approve \$100,000 for Cherry Hill Parcel B Soccer Field Improvement by Councillor Tontar, seconded by Councillor Cameron. 10 yes, 1 recused (Eigerman). So voted.
Motion to approve \$50,000 for Inn Street Fountain Restoration by Councillor Tontar, seconded by Councillor Cameron. 9 yes, 1 no (Connell), 1 recused (Eigerman). So voted.
Motion to approve \$18,000 for Belleville congregational Church Restoration by Councillor Tontar, seconded by Councillor Cameron. 9 yes, 1 abstain (Connell), 1 recused (Eigerman). So voted.
Motion to approve \$100,000 for Meeting House Steeple Preservation Project by Councillor Tontar, seconded by Councillor Cameron. 9 yes, 1 abstain (Connell), 1 recused (Eigerman). So voted.
Motion to approve \$30,000 for Newburyport Housing Rehabilitation Program by Councillor Tontar, seconded by Councillor Cameron. 10 yes, 1 recused (Eigerman). So voted.
Motion to approve \$60,000 for Newburyport Affordable Housing Trust by Councillor Tontar, seconded by Councillor Giunta. 9 yes, 2 recused (Cameron, Eigerman). So voted.
Motion to approve \$108,000 for Firehouse Center for the Arts Roof Repair by Councillor Tontar, seconded by Councillor Giunta. 10 yes, 1 recused (Eigerman). So voted.
Motion to approve \$178,687.50 for City Hall Debt by Councillor Tontar, seconded by Councillor Cameron. 10 yes, 1 recused (Eigerman). So voted.
Motion to approve \$113,168.76 for Open Space Debt by Councillor Tontar, seconded by Councillor Cameron. 10 yes, 1 recused (Eigerman). So voted.
Motion to approve \$12,000 for Administrative Costs by Councillor Tontar, seconded by Councillor Vogel. 10 yes, 1 recused (Eigerman). So voted.
Motion to approve \$12,000 for Kelleher Park Community Building Rehabilitation Feasability & Design by Councillor Tontar, seconded by Councillor Cameron. 9 yes, 1 recused (Eigerman), 1 present (O’Brien). So voted.

10. Mayor Insurance 32-B to Advertising \$3,937.69 *06/29/2015
Motion to remove by Councillor Tontar, seconded by Councillor Connell. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Connell. 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. 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

Councillor Cameron stated that there will be a meeting where a Smart Growth ordinance will be discussed jointly with the Planning Board on August 5th.

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

Motion to remove by Councillor Eigerman, seconded by Councillor Cameron, So Voted. Motion to approve by Councillor Eigerman, seconded by Councillor Cameron. Roll call, 11 yes. So voted.

7. Accepting Gift of Public Bathrooms at Cashman Park *06/29/2015

Motion to remove by Councillor Cameron, seconded by Councillor Herzog, So Voted. Motion to approve by Councillor Cameron, seconded by Councillor Connell. Roll call, 10 yes, 1 recused (Eigerman). So voted.

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

Motion to remove by Councillor Cronin, seconded by Councillor Tontar. So voted. Motion to approve 1st reading by Councillor Cronin, seconded by Councillor Tontar. Motion withdrawn. Motion to table by Councillor Cronin, seconded by Councillor Vogel. So voted.

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

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

6. Special Event Application Newburyport Open Streets Sept. 20, 2015 *06/29/2015

Motion to remove by Councillor Cronin, seconded by Councillor Connell. So voted. Motion to approve as amended by Councillor Cronin, seconded by Councillor Kinsey. So voted.

7. Amend ORD Ch. 13 Article IV Div 6 Sec. 13-175 2 hr No. Atkinson *06/29/2015

Public Utilities Committee

Councillor Herzog stated that he will be scheduling a meeting with the Energy Advisory committee on solar energy and a meeting with the Water/Sewer Commission on rates.

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

12. GOOD OF THE ORDER

13. ADJOURNMENT

Councillor Cameron moved to adjourn, seconded by Councillor Herzog at 9:37pm. So voted.

TRANSFERS



Transfer #1
August 10, 2015

City of Newburyport
FY 2016
BUDGET TRANSFER REQUEST

2015 AUG -4 P 3:08

Department: Energy/Recycling

Submitted by: Molly Ettenborough

Date Submitted: 8/10/2015

Transfer From:

Account Name	Rsv Appr - Solid Waste Fees	YTD Bal:	\$ 295,525.33
Account Number:	2747-59600	Trans In:	\$ -
Amount:	\$30,000.00	Trans Out:	\$ -
Why are Funds Available:	<i>Funded through compost sticker fees and recycling rebate.</i>		
<i>This transfer is the standard method for moving funds from Reserve for Appropriations accounts into General Fund accounts.</i>			

Transfer To:

Account Name	Household Hazardous Waste	YTD Bal:	\$ -
Account Number:	01519002-53424	Trans In:	\$ -
Amount:	\$20,000.00	Trans Out:	\$ -
Why are Funds Required:	<i>To fund hazardous waste removal and disposal. This account is funded by the Solid Waste Fees Reserve for Appropriation account.</i>		

Transfer To:

Account Name	Chipper Service	YTD Bal:	\$ -
Account Number:	01519002-52813	Trans In:	\$ -
Amount:	\$10,000.00	Trans Out:	\$ -
Why are Funds Required:	<i>Estimated costs for yard waste removal and yard waste facility management.</i>		
<i>This account is funded by the Solid Waste Fees Reserve for Appropriation account.</i>			

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

Donna Holaday HOC
Ethan Manning

Date: 8/4/15
Date: 8/4/15

COMMUNICATIONS



Whittier Regional Vocational Technical High School

115 Amesbury Line Road
Haverhill, MA 01830-1898
978-373-4101
Fax: 978-372-5331
kkosmes@whittier.tec.ma.us

William P. DeRosa
Superintendent

Kara M. Kosmes
Business Manager

Amy Pocsik
Treasurer

2015 JUL 20 AM 11:22

June 30, 2015

Ms. Julie Languirand, Treasurer
City of Newburyport
60 Pleasant Street, PO Box 550
Newburyport, MA 01950

Dear Ms. Languirand,

On April 8, 2015 the Whittier Regional Vocational Technical High School Committee voted to adopt a final **2015-2016 Gross Budget** in the amount of \$22,061,418.00, which consists of \$18,310,028.00 for the Required Net School Spending as defined under the Ed Reform formula; \$1,216,974.00 for Other Assessments, Assessment Transportation & Community Education; \$405,000.00 for Capital Assessments; \$2,129,416.00 for Other Educational Assessment. The estimated receipts for the school year are \$8,861,202.00, resulting in a **Total Approved Assessment for 2015-2016 at \$13,200,216.00.**

This is to certify that the **2015-2016** net assessment for the **City of Newburyport** is **\$330,403.00.**

NEWBURYPORT		TOTAL DUE
25%	Due August 15, 2015	\$82,601.00
25%	Due November 1, 2015	\$82,601.00
35%	Due February 1, 2016	\$115,641.00
15%	Due April 1, 2016	<u>\$49,560.00</u>
TOTAL:		\$330,403.00

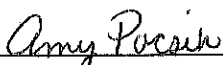
Attached to this correspondence is a copy of the **Approved 2015-2016 Budget**. If you have any questions, please do not hesitate to call our Business Manager, Ms. Kosmes at 978-373-4101 x269.

Sincerely,

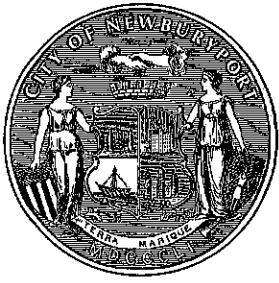
Amy Pocsik, Treasurer

Cc: Mayor, City Clerk, Chmn. Board of Assessors, Finance Director, Superintendent of Schools, Whittier Representative

Certification: I hereby certify that the information contained above is true to the best of my knowledge and belief.



Amy Pocsik, Treasurer



CITY OF NEWBURYPORT

Communication #2
August 10, 2015

CITY COUNCIL

NEWBURYPORT CITY HALL

60 PLEASANT STREET

P.O. Box 550

NEWBURYPORT, MA 01950

TEL: 978-465-4407

FAX: 978-462-7936

August 4, 2015

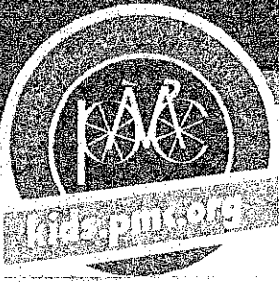
Council President O'Brien and Members of the Newburyport City Council,

At the July 13, 2015 City Council Meeting, the Council voted to remove the Dependent Audit from the Budget and Finance Committee and further voted to receive and file the audit. These acts resulted from the fact that the Budget and Finance Committee had received evidence from the Human Resource Director that all city funds expended on city employees and dependents no longer eligible for coverage had been reimbursed to the City by the Massachusetts Interlocal Insurance Association (MIIA).

However, the Human Resource Director is still investigating whether or not the City has been reimbursed for insurance premiums owed the City by former and current elected officials. The Budget and Finance Committee would like to assure on an evidentiary basis that all such monies have been reimbursed or that programs are in place to do so.

Charles Tontar
Ward 4 Councillor

Communication #3
August 10, 2015



2015 JUL -9 A 11: 20

2015 FEB 19 A 9:22

RECEIVED
CITY OF NEWBURYPORT
MA

Tara Mahon McQuaid
5 Silver Ledge Road
Newbury, MA 01951

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

February 10, 2015

Dear City Council Members,

September 13, 2015

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

Respectfully,

Tara Mahon McQuaid

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

3/11/15
RC
ED
Am
RC
BL
AN

3-0

**APPOINTMENTS
FIRST READING**

END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

COMMUNICATIONS

Meg Wiley
17 High Street
Newburyport, MA 01950
978-352-7402
Rumpel3@aol.com
For MSPCA at Nevins Farm

RECEIVED
CITY OF NEWBURYPORT
2015 JUL 20 P 3:39

July 20, 2015

Dear City Council Members:

This letter is to request permission to have a table in Market Square for the purpose of asking for donations to support the MSPCA at Nevins Farm. Their biggest fundraiser is the annual Walk for Animals which takes place on September 26th in Methuen at Nevins Farm. Our team, Opt to Adopt, is working hard to raise monies to help all the animals at Nevins.

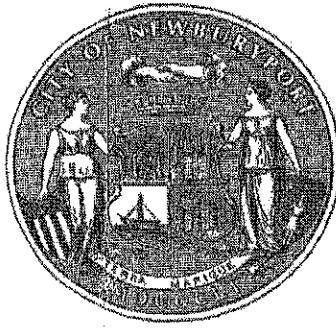
We believe that having a table at Market Square would generate interest in these adoptable animals and help raise the much needed funds for their care.

We would ask people to donate in order to get a raffle ticket to win a basket full of goodies on Sat, August 29th from 1-5. We would also have a couple of shelter animals present for people to see and learn about how animals come to the shelter and how cute and adoptable they are! Experienced volunteers from Nevins Farm would also be present to assist the public with the animals.

The table and area would be all cleaned up and removed by 5:30 pm.

We eagerly await your positive response!

Opt to Adopt Team
Meg Wiley
Pat Batchelder
Ellen Concannon
Et al



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: 7/24/15

CONTACT INFORMATION

FIRST AND LAST NAMES: Sharon Cassidy

MAILING ADDRESS: 44 Warren St.

PHONE NUMBER: 978-273-6575

E-MAIL ADDRESS: mann.sharon@comcast.net

BLOCK PARTY INFORMATION

BLOCK PARTY DATE: September 12th

DESIRED STREET CLOSING LOCATION: Warren Street between Cutters Ct. and Griffin Ct.

Please indicate cross streets when requesting the closing of street sections

STREET TO BE BARRICADED: yes

DESIRED STREET CLOSING TIME: 3-10 PM

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

REGULATIONS

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

I understand that applications for block party permits may take up to four (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: _____

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

City use only:

Approved _____

Denied _____

Date _____

**APPOINTMENTS
SECOND READING**

MAYOR'S APPOINTMENTS
August 10, 2015
SECOND READING

RE-APPOINTMENTS

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

In City Council July 13, 2015

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

ORDERS

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

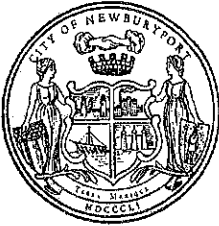
WHEREAS MGL Chapter 121B Section 4 states, in part, "Whenever a redevelopment authority determines that there is no further need for its existence, and that all outstanding obligations of the authority have been satisfied, it may by a majority vote of the five members submit the question of its dissolution...to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

ORDERED:

August 10, 2015

RESOLUTION

THAT The City Council of the City of Newburyport hereby resolves and affirms to support the disbanding of the Newburyport Redevelopment Authority (NRA).

Councillor Robert J. Cronin

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

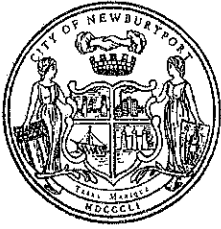
August 10, 2015

THAT THE CITY COUNCIL of the City of Newburyport hereby requests that the President of the City Council convene a working group whose purpose shall be the orderly transition of the Newburyport Redevelopment Authority ("NRA") property into parkland and associated parking in perpetuity.

The group shall consist the of at least three City Councillors, one Waterfront Trustee (non-voting), one NRA member (non-voting), one Harbor Commission member (non-voting), other waterfront stakeholders and advocates as deemed appropriate by the Council President. The sole purpose of this working group is to accomplish the disbanding of the NRA and the successful transition into parkland and associated parking.

Councillor Robert J. Cronin

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 10, 2015

Be it so ordered that the City Council establish an ad hoc Waterfront Committee to include the Planning and Development Committee and two other Councillors designated by the Council President.

The purpose of said Committee is to make recommendations to the City Council and Mayor as to process for the City to design, fund, create and manage an expanded waterfront park which would include expansion of existing parkland and a reduction in existing parking.

Said recommendations shall be informed by testimony from the public and various stakeholders including, but not limited to, the Newburyport Redevelopment Authority, the Waterfront Trust, the Mayor and City of Newburyport Planning Department, and the Harbor Commission.

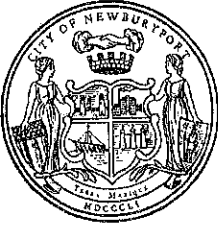
Process includes but is not limited to roles and responsibilities of the various public entities, timeframes, and scenarios as to design, funding, implementation, and management of the expanded park.

Said recommendations shall be reported out of committee in a timely fashion to enable the full Council's approval or disapproval of a recommended course of action by the end of the current Council term.

The ad hoc Committee meetings will be chaired by the chair of the Planning and Development Committee and will be posted also as Committee of the Whole to allow the full participation of all Councillors.

Councillor Edward C. Cameron
Councillor Bruce L. Vogel

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 10, 2015

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

THAT the City Council of the City of Newburyport hereby approve and authorize the acceptance of a Preservation Restriction between the City, acting through the Newburyport Historical Commission, and Manchester Capital Partners Trust #4, for the property located at 223 High Street, as required by the Newburyport Planning Board pursuant to a Special Permit condition for the Open Space Residential Development (OSRD) project off of High Street known as "Hamilton Estates"; and

Further, that the Mayor of the City of Newburyport, the City Council President and City Clerk are hereby authorized to sign the subject Preservation Restriction as may be required, to act on behalf of the City and enter into any and all instruments, including acceptance of said Preservation Restriction, and in accordance with Massachusetts General Laws Chapter 184, and to take any other actions necessary to execute this acceptance and the associated Preservation Restriction accordingly.

Councillor Robert J. Cronin

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 10, 2015

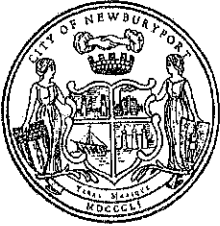
Be it ordained by the City Council of the City of Newburyport as follows:

THAT the City Council of the City of Newburyport hereby approve and authorize the acceptance of a Conservation Restriction between the City, acting through the Newburyport Conservation Commission, and Manchester Capital Partners Trust #4, for a portion of the property located at 223 High Street, said portion of the property depicted as the Open Space Parcel "Conservation Area" on a plan entitled "Hamilton Estates Conservation Area" prepared by Millennium Engineering, Inc., and dated June 23, 2015, as required by the Newburyport Planning Board pursuant to a Special Permit condition for the Open Space Residential Development (OSRD) project off of High Street known as "Hamilton Estates"; and

Further, that the Mayor of the City of Newburyport, the City Council President and City Clerk are hereby authorized to sign the subject Conservation Restriction as may be required, to act on behalf of the City and enter into any and all instruments, including acceptance of said Conservation Restriction, in accordance with Massachusetts General Laws Chapter 184, and to take any other actions necessary to execute this acceptance and the associated Conservation Restriction accordingly.

Councillor Robert J. Cronin

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 10, 2015

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

THAT the City Council of the City of Newburyport hereby approves and authorizes the installation of a dual electric vehicle charging station. Said station is to be installed in the Green Street parking lot in the area between the police vehicles and an existing handicap parking space. The existing spaces reserved for the police vehicles shall move toward Merrimac Street in order to allow the placement of the charging station and the two electric vehicle parking spaces.

The fee per hour for the use of the charging station and adjacent space shall be 50 cents.

Councillor Robert J. Cronin
Councillor Jared J. Eigerman

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 10, 2015

WHEREAS the City website at cityofnewburyport.com includes external links or internal text of municipal regulations including the subdivision of land, wetlands protection, stormwater management, historic districts, Planning Board fees, and other subjects; and

WHEREAS there are other regulations that are requested by residents and developers, including all regulations promulgated by the Board of Health, that do not exist online,

THEREFORE the Newburyport City Council orders a review of all regulations created by departments and boards be posted on the website in an accessible manner.

Councillor Ari Herzog

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 10, 2015

EMERGENCY PREAMBLE

Zack Fields and his students are asking to perform music on Market Square on August 14, 2015. The only regular August City Council is August 10, 2015. This situation presents an exigent matter requiring relief by the Council.

Zack Fields and his students will not be able to play music this summer on the bullnose in Market Square if the Council does not declare this an emergency and thus allowing a vote forthwith on the related order.

Councillor Barry N. Connell

ORDER

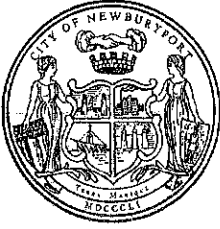
August 10, 2015

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

THAT the City Council of the City of Newburyport hereby approves the use of the Market Square Bullnose for a musical performance by Zack Fields and his students for approximately one hour on August 14, 2015.

Councillor Barry N. Connell

CITY OF NEWBURYPORT



IN CITY COUNCIL

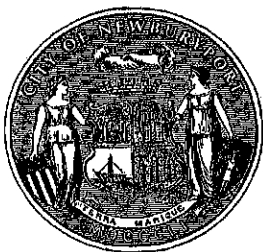
ORDERED:

August 10, 2015

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude a grant from the Stanton Foundation in the amount of \$25,000.00 for the purpose of creating a K-9 unit at the Newburyport Police Department in accordance with the terms of the grant agreement and M.G.L. Chapter 44, Section 53A.

Councillor Charles F. Tontar

Councillor Robert J. Cronin



CITY OF NEWBURYPORT

**POLICE
DEPARTMENT**

To: City Council
From: Marshal Mark Murray
RE: K-9 Program

**MARK R. MURRAY
INTERIM CITY
MARSHAL**

4 GREEN ST

**NEWBURYPORT, MA
01950**

TEL: 978.462-4411

FAX: 978.462-0396

Council Members,

The Newburyport Police Department has been awarded a \$25,000 grant from the Stanton Foundation to help with startup costs to create a new K-9 program. The grant covers all startup costs for 3 years and there is also supplemental funding available to cover training.

The Newburyport Police Department is very excited about this new program. We recently had interviews conducted by 3 respected members of the K-9 community, one which is the program coordinator who has trained over 350 K-9 teams. Officer Eric Marshal was chosen out of 5 candidates as Newburyport Police Departments first K-9 Officers.

I would like to thank the Stanton Foundation for giving the Newburyport Police Department the opportunity to participate in a new K-9 program.

Respectfully,

Marshal Mark Murray

STANTON FOUNDATION

July 16, 2015

Chief Mark Murry
4 Green Street
Newburyport, MA 01950
978-462-4411

Dear Chief Murry,

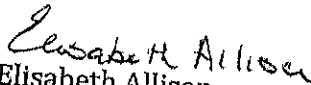
Following receipt of Newburyport's completed grant agreement; the Stanton Foundation is pleased to provide a grant of \$25,000 to support the creation of a K-9 unit at the Newburyport Police Department. A Stanton Foundation check and a countersigned grant agreement are enclosed; please confirm that you have received them to Liz.Allison@thestantonfoundation.org.

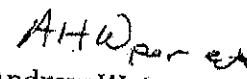
As explained in the grant agreement, the core grant of \$25,000 may only be used for items listed in the model budget. A copy of the model budget is included with this letter for your convenience. Assistance with the cost of having an officer in training will be provided through a supplemental Foundation program. Please see the enclosed description for information regarding eligibility and terms of this supplemental grant.

It is our understanding that you will move as quickly as possible to designate the K-9 handler and that the training will take place at the Boston Police Canine Academy.

We are very pleased that you have successfully completed the application process and we look forward to seeing the K-9 at work in Newburyport after his training is completed next summer.

Sincerely,


Elisabeth Allison
Co-director


Andrew Weiss
Co-director

Cc: Steve Sallan, Project Coordinator

Encl. (4)

One Broadway, 14th floor
Cambridge, Massachusetts 02142
t: 617.577.3975

One Penn Plaza, 30th floor
New York, New York 10119
t: 212.697.6900

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 10, 2015

RESOLUTION TO DECLARE CAR-FREE DAY

WHEREAS residents and commuters are routinely challenged to improve air quality and choose greener modes of travel with rail and bus connections, taxis, marinas, and pedestrian paths; and

WHEREAS a grassroots movement called Car-Free Day began in Europe in 2000 and spread around the world, marked on September 22 every year, to promote the environmental, financial, community, and health benefits of using public transportation, carpooling, bicycling, and walking.

THEREFORE, the Newburyport City Council declares the fourth annual Newburyport Car-Free Day to occur Tuesday, September 22, 2015, encouraging municipal staff and residents to participate to the best of their ability.

Councillor Ari B. Herzog

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 10, 2015

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

Whereas, the Mayor has, on occasion, the need to enter into a Location Agreement with a Producer of Film for Movies both Commercial and Fine Art, and

Whereas, the Location Agreement may contain the requirement to establish a 'No Parking' area and, in certain circumstances, close the public way to traffic for a period of time, and

Whereas, often these requests for said Agreement occurs between Council meetings and often during the summer months, and time is of the essence.

NOW, THEREFORE the City Council of the City of Newburyport hereby approves and authorizes the parking clerk to close said way provided the Superintendent of Public Ways, the Fire Chief and the Marshall approve the same and there is a signed Location Agreement.

Councillor Robert J. Cronin

ORDINANCES

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.

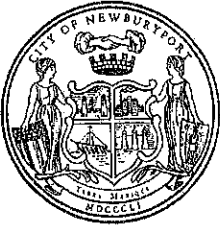
In City Council June 29, 2015

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

In City Council July 13, 2015

Motion to table by Councillor Cronin, seconded by Councillor Heartquist. So voted.

CITY OF NEWBURYPORT



IN CITY COUNCIL

MAY 11, 2015

ORDERED:

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

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

Zoning Ordinance Amendment:

APPENDIX A: ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

Section V-D - Table of use regulations.

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

2. INSTITUTIONAL/GOVERNMENT/MEDICAL

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

4. BUSINESS

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

Section VI-A - General regulations.

Table of Dimensional Requirements

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

2. INSTITUTIONAL/GOVERNMENT/MEDICAL

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

4. BUSINESS

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

Councillor Jared J. Eigerman

In City Council May 11, 2015

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

In City Council July 13, 2015

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

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

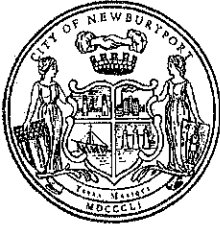
In City Council May 26, 2015

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

In City Council July 13, 2015

Motion to remove by Councillor Cronin, seconded by Councillor Tontar. So voted. Motion to approve 1st reading and order published by Councillor Cronin, seconded by Councillor Tontar. Motion withdrawn. Motion to table by Councillor Cronin, seconded by Councillor Vogel. So voted.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 10, 2015

AN ORDINANCE TO AMEND CHAPTER 11 OF THE MUNICIPAL CODE REGARDING PARKS AND RECREATION

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

Chapter 11 Parks and Recreation

Delete Section 11-1. – Names of parks and squares; establishing and changing names.” in its entirety and replace it with the following text:

Sec. 11-1. – Names of city’s public parks and playgrounds.

All of the city’s public parks and playgrounds shall retain the names by which they are listed in Section 11-2 of this article, unless the city council, by a two-thirds supermajority vote of the council, votes to adopt an ordinance to change such name in Section 11-2.

Delete Section 11-2 – “Drug free parks and playgrounds; designation” in its entirety and replace it with the following text:

Sec. 11-2. – City’s public parks and playgrounds.

The following real property, identified by name, and listed by assessor’s map and lot numbers, or other reference, constitute the city’s public parks and playgrounds under the meaning of Chapter 45 of the General Laws, Chapter Section 32J of Chapter 94C of the General Laws, and the city’s code of ordinances.

Name	Map #	Lot #
Patrick Tracy Square	001	022
Market Square	004	Not numbered
Inn Street Playground	004	002
Inn Street Mall	004	030 (portion)
Market Landing Park; Mayor Peter J. Mathews Memorial Boardwalk	011	001-B
Atwood Park	019	030
Brown School Playground	021	003
	021	026 (portion)
Joppa Park	026	Not numbered
Perkins Park	031	030

March's Hill	033	006
	033	007 (portion)
	034	020 (portion)
Bartlet Mall (including Frog Pond)	035	160
Washington Park (Eppa Way, Pond Street, High Street)	035	Not numbered
Bradley Fuller Park	037	001
Brown Square	047	004
Cushing Park (including Ayer Playground)	051	042
Cashman Park	052	068
	052	083
Atkinson Common (includes so-called Pioneer Park)	069	028
Moseley Avenue and Ferry Road Park	070	086
Moulton Square	071	023
Moseley Woods	072	014
Jason Sawyer Playground	077	125-A
Woodman Park	094	004
	100	001
Cherry Hill Athletic Fields	107	001-A
Clipper City Rail Trail – Phase 1	All locations depicted on a plan in ___ sheets entitled “_____,” dated _____, as revised on _____, on file with the City Clerk	
Clipper City Rail Trail – Phase 2	All locations depicted on a plan in 17 sheets entitled “Newburyport/Newbury Clipper City Rail Trail - Phase 2, Preliminary Right of Way Property Plans,” dated June 8, 2015, as revised on June 22, 2015, on file with the City Clerk	

Delete Section 11-3 – “Parking limited.” in its entirety and replace it with the following text:

Sec. 11-3. – Limited parking at certain public parks and playgrounds.

(a) No person shall park any vehicle or trailer in the area known as Cushing Park for a period in excess of seventy-two (72) hours, except upon declaration of a snow emergency, or as authorized by an individual license or permit issued by the board of parks commissioners. In the case of a declared snow emergency, vehicles may remain for the duration of the snow emergency and for twenty-four (24) hours after the declaration of the end of the snow emergency.

(b) No person shall park any vehicle or trailer in the playground area of the Bartlet Mall, located at the corner of Auburn Street and High Street, except upon declaration of a snow emergency. In the case of such declared snow emergency, vehicles may remain for the duration of the snow emergency and for no more than twenty-four (24) hours after the declaration of the end of the snow emergency.

(c) No person shall park any vehicle or trailer in any portion of Bartlet Mall other than the playground area, even upon declaration of a snow emergency, with the sole exception of the presiding justice of the superior court, who may park on the high street side of the building between the bollards which define the property lines between the city and the courthouse.

Add Section 11-4 – “Board of Parks Commissioners,” to read as follows:

Sec. 11-4. – Board of parks commissioners.

(a) A board of parks commissioners for the city is hereby established according to the authorization set forth under Section 5 of Chapter 45 of the General Laws (hereinafter referred to as the parks commission).

(b) The parks commission shall consist of five persons, who shall hold office for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively, from the first Monday in May next following such appointment, or until their successors are qualified; and thereafter the mayor shall annually, before the first Monday in May, with like approval appoint one such commissioner for a term of five years from said first Monday in May. Such commissioners shall serve without compensation. A vacancy in the parks commission shall be filled in like manner for the residue of the unexpired term. A commissioner may be removed by a vote of two thirds of all the members of the city council.

(c) The parks commission may lay out and improve public parks and playgrounds, make rules for their use and government, appoint all necessary engineers, surveyors, clerks, and other officers, including a police force, to act in such parks and playgrounds, define their powers and duties, and fix their compensation, and do all acts needful for the proper execution of its powers and duties. In places under its jurisdiction, the commission shall have the authority given to the mayor, aldermen, selectmen, road commissioners and tree warden respectively by Section 7 of Chapter 84, and by Chapter 87. Subject to appropriation, the commission shall also have the power to conduct park programs and recreation activities at places other than public parks and playgrounds.

(d) The parks commission shall make reports of its doings, and detailed statements of all receipts, expenditures, and liabilities for the preceding fiscal year of the city, to the city council annually, within thirty (30) days after the end of the city's fiscal year.

Add Section 11-5 – "Rules and regulations,," to read as follows:

Sec. 11-5. – Rules and regulations.

(a) All other city ordinances applying to public areas also apply to the public parks and playgrounds listed in Section 11-2, including but not limited to the following:

(1) Dogs shall be leashed and animal waste cleaned up and disposed of pursuant to chapter 3, article II of the code of ordinances; provided, however, that pursuant to sections 3-26(d) and 3-26(e) of article II, dogs are permitted off leash at Cashman Park, Moseley Woods, and March's Hill, subject to both the exclusions and restrictions, off leash hours and seasonal restrictions in the "Table of Designated Off Leash Areas" and the "Rules" as set forth in sections 3-26(d) and 3-26(e) of article II, respectively. The city marshal is expressly authorized to enforce these rules by issuing citations for civil infractions.

(2) No littering is permitted.

(3) No vandalism, damage or defacement or other acts of willful destruction of public property is permitted.

(4) Loud noise, music, and other sounds are prohibited from 10:00 p.m. to 7:00 a.m. pursuant to Section XI-G of the zoning ordinance.

(5) No snowmobiles, motorcycles, motorbikes or other motorized vehicles, with the exception of wheelchairs, are permitted unless specifically authorized by city council vote.

(6) For other activities regulated by city ordinances, additional authorization may be required from the designated city authority.

(7) No activities are permitted that would potentially endanger members of the public.

(b) No activities are permitted that would disturb the quiet use and enjoyment of the city's public parks and playgrounds, without prior written authorization from the designated permitting body.

(c) No commercial activities, including, without limitation, soliciting, are permitted without prior written authorization from the designated permitting body.

(d) No commercial activities of any nature is permitted on any portion of the Bartlet Mall unless for specific, nonprofit events that benefit the Newburyport community, unless it is approved in advance by a

majority vote of the Bartlet Mall commission, and also with prior written authorization from the designated permitting body.

(e) No vehicular parking is permitted in areas other than designated parking lots, in accordance with posted signs. No unauthorized vehicles are allowed in areas other than designated driveways and parking lots.

(f) No alcoholic beverages are permitted without prior written authorization from the designated permitting body.

(g) Horses are not allowed except as expressly authorized by rules and regulations promulgated under Section 11-6, and with prior written authorization from the designated permitting body.

(h) No dogs are permitted on tennis courts, in fountains, or in other restricted park areas.

(i) No bicycling, rollerblading, snowboarding, or skateboarding is permitted on play equipment or site furnishings, including, without limitation, benches, curbs, walls, statuary, handrails, fountains, ponds, tennis courts, playing fields, etc. Within some public parks and playgrounds, as indicated by signage, bicycling, rollerblading, and skateboarding are prohibited entirely.

(j) Trash receptacles in public parks and playgrounds are intended for the collection of refuse related to public use of such facilities, and the disposal of other items in park trash receptacles is not permitted. Dumping of private yard waste is not permitted.

(k) No unauthorized posting of bills, signs, or any other materials is permitted.

(l) No fires are permitted except in specific locations expressly authorized by rules and regulations promulgated under Section 11-6, or with prior written authorization from the designated permitting body.

(m) No fireworks are permitted without prior written authorization from the fire chief.

(n) No firearms are permitted.

(o) No camping is permitted, unless specifically authorized by city council vote.

(p) No unauthorized change of any sort to the property, vegetation, equipment, or structures in is permitted, including, without limitation, trimming, pruning, removal or harming of plantings.

(q) No use of water or electrical receptacles is permitted with the specific exception of public drinking fountains and as authorized under an individual license or permit issued by the parks commission.

(r) Athletic field lighting shall be turned off by 10:00 p.m.

(s) Fines for violation of these rules and regulations, or any rules and regulations promulgated under Section 11-6, shall be established by city ordinances.

(u) With the sole exception of Market Landing Park and other property controlled by the Waterfront Trust, the parks commission shall be the authorizing agency for all of the city's public parks and playgrounds, and applications for activities therein shall be made to the parks commission.

(v) For Market Landing Park and other Newburyport Waterfront Trust property, the Newburyport Waterfront Trust shall be the authorizing agency, and applications for activities therein shall be made to the Newburyport Waterfront Trust.

(w) Applications for authorization made pursuant to the rules and regulations of this Section 11-5, or Section 11-6, shall be processed in the order of their receipt. The authorizing body shall determine whether to grant or deny an application within thirty (30) days of receipt, unless the applicant provides written consent to extend such period for not more than an additional fifteen (15) days.

(x) A granted application for authorization made pursuant to the rules and regulations of this Section 11-5, or Section 11-6, may permit the applicant an exclusive right to use designated areas of the relevant public park or playground, in which case others shall not disrupt such activity, nor intrude upon the designated areas.

(y) Denial of an application for authorization shall be in writing, and shall set forth clearly the grounds upon which the permit was denied. Where feasible, the relevant authorizing body shall suggest in such

written denial those measures by which the applicant may cure any defects in its permit application, or otherwise procure a permit in a subsequent application.

(z) An application for authorization may be denied on any of the following grounds:

(1) The application (including any required attachments and submissions) is not fully completed and executed;

(2) The application contains a material falsehood or misrepresentation;

(3) The applicant is legally incompetent to contract, or to sue and be sued;

(4) The applicant has on a prior occasion damaged public park or playground property, and has not paid full compensation for such damage, or has other outstanding and unpaid debts to the relevant authorizing agency;

(5) A fully completed and executed application for an activity at the same time and place has been received, and authorization has been or will be granted to such prior applicant authorizing uses or activities that do not reasonably permit multiple occupancy of the particular public park or playground, or part thereof;

(6) The use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the parks commission, or another city agency, with approval of the parks commission, and previously scheduled for the same time and place; or

(7) The proposed use or activity is prohibited by or inconsistent with any rules and regulations of this Section 11-5, or promulgated under Section 11-6, or with the classifications and uses of the relevant public park or playground.

Add Section 11-6 – “Parks Commission—Promulgation of rules,” to read as follows:

Sec. 11-6. – Parks Commission—Promulgation of rules.

(a) Provided they are not in conflict with the rules and regulations provided in Section 11-5, the parks commission may promulgate such additional, reasonable rules and regulations for the use of the city's public parks and playgrounds, as it deems appropriate. Such additional rules and regulations may include, but are not limited to, hours of use, conduct of persons, and the manner of use of particular facilities or areas within any public parks or playgrounds.

(b) Such additional rules and regulations, or any repeal or amendment thereof, shall become effective only after they have been published in each of not less than two (2) weeks in a newspaper of local circulation, posted in one (1) or more prominent places in the public park or playground to which they are proposed to pertain, without the need for further action by the city council.

Delete Article II. – “ATKINSON COMMON AND MOSELEY WOODS AND BARTLET MALL.” in its entirety and replace it with the following text:

ARTICLE II. – ATKINSON COMMON, MOSELEY WOODS, AND BARTLET MALL

Sec. 11-26. – Promulgation of rules for the Atkinson Common or the Bartlet Mall.

When promulgating rules for the Atkinson Common or the Bartlet Mall, the parks commission shall consult with the boards of commissioners of the Atkinson Common or of the Bartlet Mall, as the case may be.

Sec. 11-27. - Atkinson Common—Board of commissioners designated; Duties of same; To serve without pay.

The mayor and the president of the city council, *ex officio*, together with three (3) persons to be chosen as hereinafter designated, shall constitute a board of commissioners of the Atkinson Common (hereinafter the Atkinson Common commission), to advise the parks commission in carrying out the provisions and limitations

of the will of Mrs. Eunice Atkinson Currier, dated March 23, 1867, granting the Atkinson Common to the city for use as a common public and free to all the inhabitants of the city, and in exercising the proper care, management and supervision of the Atkinson Common as well as the adjacent land purchased from Merrill Estate by Belleville Improvement Society and given to the city. Such board may be known as the Atkinson Common commission. The members of the Atkinson Common commission shall serve without pay.

Sec. 11-28. - Atkinson Common —Annual appointment to board.

Annually in the month of March, the mayor shall appoint, subject to the approval of the city council, from the citizens at large, one (1) member of the Atkinson Common commission to hold office for three (3) years from the last Monday in April following.

Sec. 11-29. - Atkinson Common —Financial matters; Capital improvements

The money annually appropriated by the city for the upkeep of Atkinson Common, together with such sums as may be received for such purposes from other sources, including, without limitation, the Belleville Improvement Society, shall be available for expenditure only upon an affirmative vote of a majority of the parks commission, and only for the upkeep of Atkinson Common. Moreover, all capital improvements at Atkinson Common, regardless of their scale or cost to the city, shall be approved in advance by an affirmative vote of the parks commission, and only after consultation with the Atkinson Common commission.

Sec. 11-30. - Atkinson Common — Monthly meetings; Records; Annual report of board.

The Atkinson Common commission shall meet monthly, and maintain records of its doings, organized by fiscal year. Not later than the date required by the parks commission, Atkinson Common commission shall submit to the parks commission a written report of such board's doings for the previous fiscal year.

Sec. 11-31. - Moseley Woods—Acceptance of provisions of Charles W. Moseley will.

The city hereby accepts the provisions of paragraph 7 of the will of Charles W. Moseley, dated September 3, 1918, granting Moseley Woods to the city, to be held as a public park. Accordingly, the city shall annually appropriate and spend to the satisfaction of the trustees of the Charles W. Moseley Trust not less than five hundred dollars (\$500.00) for the care of Moseley Woods, and especially for the policing thereof.

Sec. 11-32. - Moseley Woods—Board of commissioners abolished.

The board of commissioners of Moseley Woods are hereby abolished and dissolved, upon the effective date of this new Section 11-32.

Sec. 11-33. - Moseley Woods—Financial matters; Capital improvements

The money annually appropriated by the city for the upkeep of Moseley Woods, together with such sums as may be received from other sources, including, without limitation, the trustees of the Charles W. Moseley Trust, shall be available for expenditure only upon an affirmative vote of a majority of the parks commission, and only for the upkeep of Moseley Woods. Moreover, all capital improvements at Moseley Woods, regardless of their scale or cost to the city, shall be approved in advance by an affirmative vote of the parks commission.

Sec. 11-34. - Bartlet Mall—Board of commissioners; duties; term of office.

The mayor shall appoint five (5) residents of the city to constitute the board of commissioners of Bartlet Mall (hereinafter referred to as the Bartlet Mall commission). The Bartlet Mall commission shall advise the parks commission in exercising the proper care, management, and supervision of the Bartlet Mall. Each commissioner of said board shall be appointed for a term of not in excess of three (3) years, and the appointments shall be so made that the terms of not more than two (2) commissioners shall expire in any single year. All members shall hold office until their respective successors are appointed, and shall serve without pay.

Sec. 11-35. - Bartlet Mall—Annual appropriation for upkeep.

The mayor and city council shall annually appropriate a sum of not less than five hundred dollars (\$500.00) for the general care and policing of Bartlet Mall, including the maintenance of public ice skating on the pond.

Sec. 11-36. - Bartlet Mall—Financial matters; Capital improvements.

The money annually appropriated by the city for the upkeep of Bartlet Mall, together with such sums as may be received for such purposes from other sources, including, without limitation, the City Improvement Society, shall be available for expenditure only upon an affirmative vote of a majority of the parks commission, and only for the upkeep of Bartlet Mall. Moreover, all capital improvements at Bartlet Mall, regardless of their scale or cost to the city, shall be approved in advance by an affirmative vote of the parks commission, and only after consultation with the Bartlet Mall commission.

Sec. 11-36. - Bartlet Mall— Monthly meetings; Records; Annual report of board.

The Bartlet Mall commission shall meet monthly, and maintain records of its doings, organized by fiscal year. Not later than the date required by the parks commission, the Bartlet Common commission shall submit to the parks commission a written report of such board's doings for the previous fiscal year.

Secs. 11-37—11-50. - Reserved.

Delete Article III. – "RECREATION AREAS." in its entirety.

Councillor Charles F. Tontar

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

August 10, 2015

AN ORDINANCE TO AMEND ENTITLED LICENSES, PERMITS AND BUSINESS REGULATIONS

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

Chapter 9	Licenses, Permits and Business Regulations
Article VII	Transient Vendors, Hawkers and Peddlers
Division 1	Transient Vendors
Section 9-111	Definitions

DELETE:

Temporary or transient business shall mean any exhibition and sale of goods, wares or merchandise which is carried on in any tent, booth, or other temporary structure on the public way.

ADD:

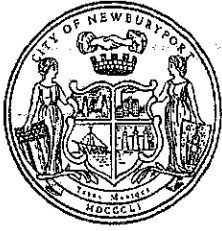
Temporary or transient business shall mean any exhibition and sale of goods, wares or merchandise which is carried on in any tent, booth, or other temporary structure or vehicle on the public way.

Councillor Jared J. Eigerman

COMMITTEE ITEMS

BUDGET AND FINANCE

CITY OF NEWBURYPORT



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2015 JUL -2 P 2:44

IN CITY COUNCIL

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

B&P
CT/EC
SV



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:

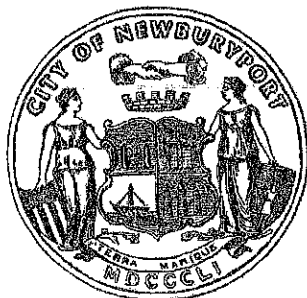
- The floodplain location requires raising the entire structure three feet above grade, and the project therefore includes an extensive deck, breezeway, loading ramp, accessible ramp, and stairs, which nearly doubles the square footage.
- Site costs are higher due to the project's inclusion of constructing 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.

License & Permits

LHP



City of Newburyport

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

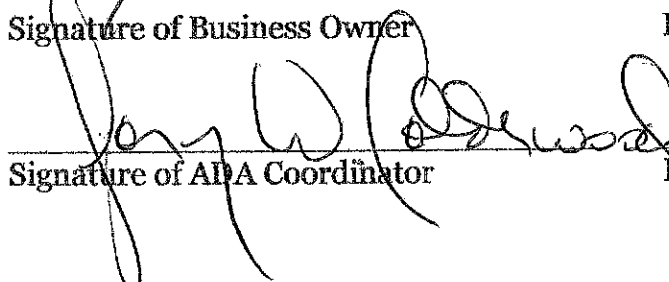
I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, 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

6/25/15

DATE

Outdoor Seating Proposal Sketch
Dos Amigos Burritos

entrance

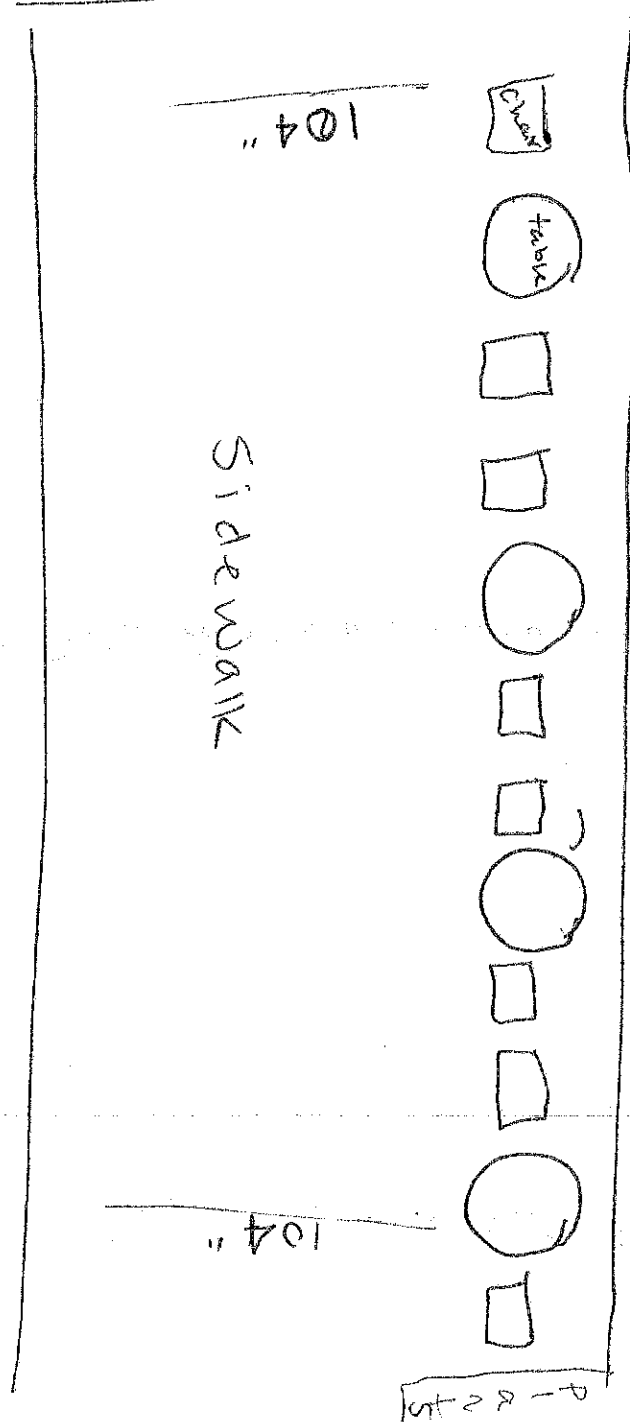
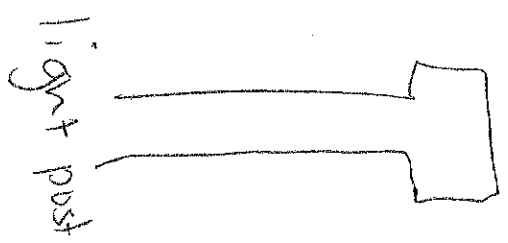
Plants

total sidewalk width
128.5"

104"

Sidewalk

Street



104"



JJFCINC-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).

PRODUCER License # AGR8150

Clark Insurance
80 Canal St
Manchester, NH 03101

CONTACT NAME: Nancy Poulin

PHONE (A/C, No. Ext): (603) 622-2855

FAX (A/C, No): (603) 622-2854

E-MAIL ADDRESS: info@clarkinsurance.com

INSURER(S) AFFORDING COVERAGE

NAIC #

INSURER A: Mount Vernon Fire

26522

INSURED

Dos Amigos Burritos LLC
1 Middle St Ste 1
Portsmouth, NH 03801

INSURER B:

INSURER C:

INSURER D:

INSURER E:

INSURER F:

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD 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:		CL2675194	03/15/2015	03/15/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COM/OP AGG \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS					COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/> 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

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

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

© 1988-2014 ACORD CORPORATION. All rights reserved.

PUBLIC SAFETY

PUBLIC UTILITIES

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2015 JUN 23 P 2:12



THE
BOSTON SOLAR
COMPANY

June 23, 2015

Bruce Vogel
City of Newburyport Councilor
60 High St
Newburyport, MA

Councilor Vogel,

This letter is to follow up on our discussion about budgeting concerns the City of Newburyport has in regards to their current electricity expenses. I understand that the City of Newburyport is looking to reduce electrical expenses without incurring any additional cost. I am writing this letter to introduce you to the Boston Solar Company and to share with you how we can help the City of Newburyport earn \$1.1 million over the next 25 years by installing solar with not upfront expense.

Boston Solar is one of the largest Massachusetts based Solar Companies in the state and we have partnered with Technology Credit Corporation (TCC) to help municipalities and non-profits go solar and save on their current electric costs.

Boston Solar and TCC are pleased to offer the City of Newburyport a Power Purchase Agreement (PPA) that will show you immediate savings year 1 and these savings will only increase over time. Through a PPA, TCC will be able to offer you a program that can monetize the tax credits that you, as a non-profit, cannot use while giving you a system that costs you nothing up front and is cash flow positive (profitable) every year. On average this PPA will make the City of Newburyport \$44,000 per year, through a combination of a reduction in operating expenses and earned revenue from the State's solar incentives (SREC program) and the city will earn more than \$1.1 million over the 25 year life of the system.

In the attached cash flow analysis solar savings are calculated as follows: (Utility savings + SREC income) - (Yearly PPA Cost) = yearly profit. Solar renewable energy credits (SRECs) are tradable credits that represent all the clean energy benefits of electricity generated from a solar energy system. Each time a solar energy system generates 1,000 kWh (1MWh) of electricity, an SREC is issued which can then be sold or traded separately from the power.

Sincerely,

Josh Baker
Project Director

The Boston Solar Company
55 Sixth Road, Woburn MA 01801
Phone: 617-680-8236 Fax number: 781-780-7813
Email address: josh.baker@bostonsolar.us Web site: www.bostonsolar.us

Option 1: Estimated Cash Flows for Full PPA Term then Purchase

Estimated 25 Year Savings: **\$1,106,218**

Year	Estimated kWh Produced	Estimated Utility Savings	PPA Payments for Electricity	Estimated Inverter Replacement	Estimated SREC Income*	Estimated Annual Cash Flow
1	298,890	\$53,800	(\$67,848)	\$0	\$24,210	\$10,162
2	297,396	\$55,137	(\$87,732)	\$0	\$48,178	\$15,583
3	295,909	\$56,507	(\$87,293)	\$0	\$47,937	\$17,151
4	294,429	\$57,911	(\$86,857)	\$0	\$47,697	\$18,751
5	292,957	\$59,350	(\$85,422)	**	\$47,459	\$20,387
6	291,492	\$60,825	(\$85,990)	\$0	\$47,222	\$22,057
7	290,035	\$62,337	(\$85,560)	\$0	\$46,986	\$23,763
8	288,585	\$63,886	(\$85,133)	\$0	\$46,751	\$25,504
9	287,142	\$65,474	(\$84,707)	\$0	\$46,517	\$27,284
10	285,706	\$67,101	(\$84,283)	\$0	\$46,284	\$29,102
11	284,277	\$68,768	(\$83,860)	\$0	\$46,051	\$30,957
12	282,856	\$70,477	(\$83,437)	\$0	\$45,818	\$32,849
13	281,442	\$72,228	(\$83,014)	\$0	\$45,585	\$34,777
14	280,035	\$74,023	(\$82,591)	\$0	\$45,352	\$36,741
15	278,635	\$75,862	(\$82,168)	\$0	\$45,119	\$38,741
16	277,242	\$77,747	(\$81,745)	***	\$44,886	\$40,777
17	275,856	\$79,679	(\$81,322)	\$0	\$44,653	\$42,849
18	274,477	\$81,659	(\$80,899)	\$0	\$44,420	\$44,957
19	273,105	\$83,688	(\$80,476)	\$0	\$44,187	\$47,102
20	271,739	\$85,768	(\$80,053)	\$0	\$43,954	\$49,284
21	270,380	\$87,899	(\$79,630)	\$0	\$43,721	\$51,504
22	269,028	\$90,083	(\$79,207)	\$0	\$43,488	\$53,763
23	267,683	\$92,322	(\$78,784)	\$0	\$43,255	\$56,061
24	266,345	\$94,616	(\$78,361)	\$0	\$43,022	\$58,400
25	265,013	\$96,967	(\$77,938)	\$0	\$42,789	\$60,780
Totals	7,040,654	\$1,834,114	(\$1,200,279)	\$0	\$472,383	\$1,106,218

* estimate of SREC income is based on forward contract pricing available from Skyview Finance. There is an assumed six month delay in monetization of SRECs. TCC makes no representations or warranties as to the actual SREC income to be realized by Customer.

** true-up to actual production in years 5-15

*** all payments past year 15 are financing for the assumed buyout

Estimated Cumulative Cash Flows

