

**CITY COUNCIL MEETING AGENDA - VERSION 1**  
**CITY COUNCIL CHAMBERS**

**June 13, 2016**

**7:15 PM**

**Pole Hearing (Tabled from May 31, 2016)  
Low Street and Storey Avenue**

**7:30PM**

**(Sound Check)**

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

**CONSENT AGENDA**

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

**7. APPROVAL OF MINUTES**

May 31, 2016

(Approve)

**8. TRANSFERS**

- **TRAN018\_06\_13\_16** General Fund \$28,068.02 and Snow & Ice – Labor \$56,722.98 to Snow & Ice – Expenses \$84,791.00 (B&F)
- **TRAN019\_06\_13\_16** Sewer Retained Earnings \$370,000.00 to Odor Control Improvements Project \$370,000.00 (B&F)
- **TRAN020\_06\_13\_16** POL Heat \$7,500.00, POL Electricity \$1,500.00, POL Equip Maint \$4,000.00, and POL Fuel \$10,000.00 to POL Purchase Cruiser \$23,000.00 (B&F)

**9. COMMUNICATIONS**

- **COMM061\_06\_13\_16** Tyng Street Block Party (L&P)
- **COMM062\_06\_13\_16** Newburyport Half Marathon (PS)

## 10. APPOINTMENTS

### First Reading APPOINTMENTS

- **APPT051\_06\_13\_16** Robert Padellaro 17 56<sup>th</sup> St, Nbpt Spec Pol 7/1/2019  
Michael Falite 4 Caitlin Cir, Slsbry Spec Pol 7/1/2019

### RE-APPOINTMENTS

- **APPT052\_06\_13\_16** Madeline Nash 19 Arlington St, Nbpt Aff Housing 5/1/2017
- **APPT053\_06\_13\_16** Judy Tymon 39 Lime St, Nbpt Aff Housing 4/1/2018
- **APPT054\_06\_13\_16** Karen B. Wiener 7 Lincoln St, Nbpt Aff Housing 6/1/2017

### END OF CONSENT AGENDA REGULAR AGENDA

## 11. MAYOR'S UPDATE

## 12. TRANSFERS

- **TRAN017EP\_06\_13\_16** Emergency Preamble – Transfer Comp Absences
- **TRAN017\_06\_13\_16** General Fund \$113,562.37 to Comp Absences \$113,562.37

## 13. APPOINTMENTS

### Second Reading APPOINTMENTS

- **APPT036\_05\_31\_16** Sarah T. Spalding 280 High St, Nbpt Library Board 1/1/2020
- **APPT037\_05\_31\_16** Joseph Brown 6 Cutting Dr, Nbpt WFT 12/31/2017
- **APPT038\_05\_31\_16** Wilbur Shenk 1 Beck St, Nbpt WFT 12/31/2018
- **APPT039\_05\_31\_16** George H. Ellison, Jr. 2A Noble St, Nbpt WFT 12/31/2019
- **APPT040\_05\_31\_16** Steven D. Hines 54 Ferry Rd, Nbpt WFT 12/31/2020
- **APPT041\_05\_31\_16** Scott W. Sutherland 3 Savory St, Nbpt WFT 12/31/2016
- **APPT042\_05\_31\_16** Paul Healy 8 N St, Nbpt Comm Preser 10/1/2019
- **APPT043\_05\_31\_16** Paul Healy 8 N St, Nbpt Cnsrv Comm 5/31/2019
- **APPT044\_05\_31\_16** Paul Hogg 4 Coltin Dr, Nbpt Harbormaster 5/1/2019
- **APPT045\_05\_31\_16** Donald F. Little 6 Cottage Ct, Nbpt Comm Preser 5/1/2019
- **APPT046\_05\_31\_16** Daniel R. May 5 Lucey Dr, Nbpt Harbor Comm 6/1/2019
- **APPT047\_05\_31\_16** Maurice Southworth 12 Fruit St, Nbpt Fruit St 5/1/2019
- **APPT048\_05\_31\_16** David B. Vine 47 Marlboro St, Nbpt Cnsrv Comm 5/31/2019
- **APPT049\_05\_31\_16** Daniel P. Warchol 47 Plummer Ave, Nbpt Cnsrv Comm 6/1/2019
- **APPT050\_05\_31\_16** Sarah M. White 349 High St, Nbpt Hist Comm 10/1/2018

## 14. ORDERS

- **ORDR044\_06\_13\_16** No Parking Simmons Drive Walkway Entrance
- **ORDR045\_06\_13\_16** Budget Order FY 2017

- **ORDR046\_06\_13\_16** Brown School Property Stab Fund
- **ORDR047\_06\_13\_16** Council Rule 7D Real Property Appraisal
- **ORDR048\_06\_13\_16** Sidewalk Order
- **ORDR049\_06\_13\_16** Revolving Fund Order

## 15. ORDINANCES

- **ODNC001\_01\_25\_16** Zoning Amend Smart Growth dist. (2<sup>nd</sup> reading)
- **ODNC004\_01\_25\_16** Chapter 3 Animals Dogs Nuisance (2<sup>nd</sup> reading, pending pub.)
- **ODNC005\_02\_08\_16** Zoning Map Change (2<sup>nd</sup> reading)
- **ODNC007\_04\_11\_16** Zoning – Improve Record Keeping & Coordination (2<sup>nd</sup> reading, pending pub.)
- **ODNC009\_04\_25\_16** CDT renamed to Human Rights Committee (2<sup>nd</sup> reading, pending pub.)

## 15. COMMITTEE ITEMS

### **Budget & Finance**

#### *In Committee:*

- **ORDR009\_02\_08\_16** Increase fees for Fire Dept.
- **ORDR010\_02\_08\_16** Increase fines Parking Violations
- **ORDR002\_01\_25\_16** Accept gift of \$25,000 repairing Brown's Wharf Culvert (COTW)
- **COMM052\_05\_09\_16** FY2017 Proposed Budget (COTW)
- **TRAN014\_05\_31\_16** General Fund \$10,000.00 to CCN Ordinance Recodification \$2,500.00, CCN Legal Ads \$1,500.00, and BDR Elections \$6,000.00
- **TRAN015\_05\_31\_16** Fire Fuel/Oil \$10,000.00 to Fire Maintenance \$10,000.00
- **TRAN016\_05\_31\_16** General Fund \$63,000.00, Fire/Fuel Oil \$10,000.00, Fire Educational Materials \$2,000.00, to Fire Overtime \$75,000
- **ORDR037\_05\_31\_16** Military Plate Space in Green St lot
- **ORDR039\_05\_31\_16** Increase Hourly Parking Rate to \$1.50
- **ORDR040\_05\_31\_16** Whittier Regional Stabilization Fund
- **ORDR043\_05\_31\_16** Free Parking During Christmas Season

### **General Government**

#### *In Committee:*

#### **Joint Education**

#### **License & Permits**

##### *In Committee:*

- **COMM010\_01\_25\_16** - Licensing Commission Acoustic & Amplified Entertainment
- **COMM049\_05\_09\_16** Atomic Coffee Co. Application for Outdoor Seating
- **COMM055\_05\_31\_16** Exchange Club Request to Advertise Field of Honor Program
- **COMM059\_05\_31\_16** Letter RE: Sign Committee
- **ORDR038\_05\_31\_16** Intermunicipal Agreement for Shared Animal Control Services
- **ODNC010\_05\_31\_16** Amend Outdoor Seating
- **ODNC011\_05\_31\_16** Amend Transient Vendors for Cashman (COTW)

## Neighborhoods and City Services

### *In Committee:*

- **ODNC001\_01\_11\_16** Amend Ch11 Parks and Recreation (COTW)
- **COMM032\_03\_29\_16** Councillor Cronin - Garage Impact Abutters Group Recs
- **COMM033\_03\_29\_16** Councillor Zeid - Garage Impact Abutters Group Recs
- **ORDR031\_04\_25\_16** Tree Order on Replanting

## Planning & Development

### *In Committee:*

- **COMM005\_01\_11\_16** Letter to Council RE: Economic Development Concept for Business Park
- **COMM020\_02\_08\_16** Memo re: hiring process for Building Commissioner
- **ORDR025\_04\_11\_16** Gloria Braunhardt Little River Bike Trail
- **ODNC008\_04\_11\_16** Zoning – Repair City-Owned Sidewalks (COTW)
- **ORDR041\_05\_31\_16** Taking on 1 Pasture Road – Sewer Lift Station

## Public Safety

### *In Committee:*

- **ORDR011\_02\_29\_16** - Parking – Section 13-168, Winter Hours Restrictions, Certain Streets
- **ORDR023\_04\_11\_16** Parking Restrictions, Simmons Drive
- **ORDR024\_04\_11\_16** Parking Restrictions, Golden Drive
- **COMM050\_05\_09\_16** Coast to the Cure Bike Ride Sept 10, 2016
- **COMM058\_05\_31\_16** Bed Race Event Application

## Public Utilities

### *In Committee*

- **ORDR027\_04\_11\_16** Licensed Contractor Robell, Inc.
- **COMM060\_05\_31\_16** Mobilitie, LLC Highway Access Permit
- **ORDR042\_05\_31\_16** F&S Construction – New Licensed Contractor
- **ODNC012\_05\_31\_16** Amend Sign Ordinance Chapter 12.3 et al

## Rules Committee

## 16. GOOD OF THE ORDER

## 17. ADJOURNMENT





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

May 5, 2016

Dear Property Owner:

Notice is hereby given that a public hearing will be held on the petition of National Grid and Verizon New England Inc., to install 1 JO pole and relocate 2 poles on Low Street and Storey Avenue. Location approximately as shown on the plan attached.

Said hearing will be held on Tuesday, May 31, 2016 at 7:15 pm, in the City Council Chamber, City Hall, Newburyport, MA. At that time, all interested parties will have an opportunity to be heard.

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

May 5, 2016

---

**TO: Richard Jones, City Clerk**

**FROM: Board of Assessors**

**RE: Low Street & Storey Avenue – Relocate 2 poles  
and install 1 JO pole.**

---

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

*Daniel Raycroft*

City

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2016 MAY -11 10 12 00

Questions contact – John Butler 978 725 1415

**ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS**

To the City Council of Newburyport Massachusetts

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

that NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 2<sup>nd</sup> day of May 2016.

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

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

**19645750** Dated May 2, 2016. Filed with this order

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

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

Low St- National Grid to install 1 JO pole and relocate 2 poles on Low St and Storey Ave.

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

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

\_\_\_\_\_  
Massachusetts City/Town Clerk.  
20 \_\_\_\_ .

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

Attest:  
City/Town Clerk

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

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

City/Town Clerk.

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

Board or Council of Town or City, Massachusetts

**CERTIFICATE**

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

Attest:

Questions contact John Butler 978 725 1415

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

**PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS**

North Andover, Massachusetts 17 MAY - 10 P 17 11

To the City Council of Newburyport Massachusetts

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

Low St- National Grid to install 1 JO pole and relocate 2 poles on Low St and Storey Ave. Location approximately as shown on plan attached

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

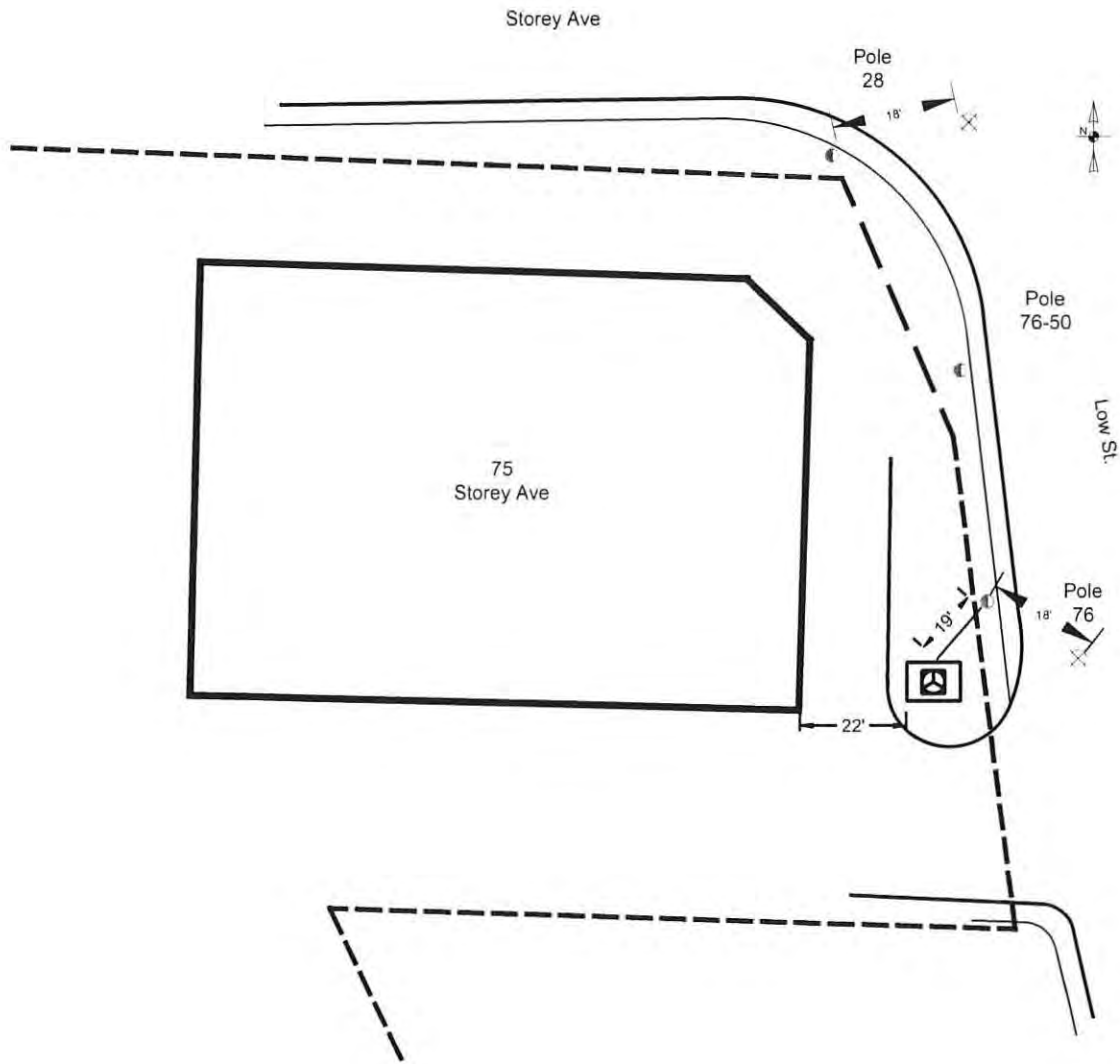
19645750 May 2, 2016

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 Tony JASA  
Engineering Department

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



**JOINT OWNED POLE PETITION**

- Proposed NGRID Pole Locations
- Existing NGRID Pole Locations
- Proposed J.O. Pole Locations
- Existing J.O. Pole Locations
- Existing Telephone Co. Pole Locations
- Existing NGRID Pole Location To Be Made J.O.
- Existing Pole Locations To Be Removed

DISTANCES ARE APPROXIMATE

**nationalgrid**  
And  
**Verizon New England, Inc.**

Date: Oct. 1, 15

Work Request Number: 19645760

To Accompany Petition Dated:

To The: City \_\_\_\_\_ Of Newburyport

For Proposed: Pole relocations and Installations



43/ 12/ / /

LINEAR RETAIL WH #1 LLC  
C/O 7-ELEVEN INC  
ATTN: TAX DEPT #34428  
PO BOX 711  
DALLAS, TX 75221-0711

43/ 13/ / /

REPUCCI J C JR & B CHRISTOPHER TRS  
LOW STREET REALTY TRUST  
253 LOW ST STE 2  
NEWBURYPORT, MA 01950

109/ 3/ / /

GIENA OF NEWBURYPORT LLC  
321 LAFAYETTE RD  
HAMPTON, NH 03842

## **CONSENT AGENDA**

**CITY COUNCIL MEETING MINUTES**  
**CITY COUNCIL CHAMBERS**

**May 31, 2016**

**7:10 PM**

**Pole Hearing**

**Low Street and Storey Avenue**

Opened at 7:10pm by President O'Brien, all councillors present. Motion to table the matter until June 13, 2016 by Councillor Zeid, seconded by Councillor Cronin. Contact at National Grid is John Butler. Hearing closed at 7:20pm.

**7:15 PM**

**Hearing on FY 17 Budget**

Opened at 7:20pm by President O'Brien, all councillors present. None spoke in favor, none opposed. Motion to adjourn by Councillor Tontar, seconded by Councillor Cameron at 7:21pm.

**7:30PM**

The City Council President, Thomas O'Brien, called the meeting to order at 7:36pm. A moment of silence was held for Mary Reilly, followed by the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Zeid, Cameron, Connell, Cronin, Devlin, Earls, Eigerman, Giunta, Tontar, Vogel, O'Brien. 11 present, 0 absent.

**(Sound Check)**

**1. MOMENT OF SILENCE**

**2. PLEDGE OF ALLEGIANCE**

**3. CALL TO ORDER**

**4. LATE FILE ITEMS** Mayor's Update, COMM059\_05\_31\_16

Motion to waive the rules, to accept late files, by Councillor Cameron, seconded by Councillor Connell. So voted.

**5. PUBLIC COMMENT**

- |                      |                   |                             |
|----------------------|-------------------|-----------------------------|
| 1. Tom Kolterjahn    | 64 Federal Street | Zoning ordinance amendments |
| 2. Stephanie Niketic | 93 High Street    | Zoning amendments           |
| 3. Rita Mihalek      | 27 Charter Street | Zoning ordinance amendments |
| 4. Sarah T. Spalding | 280 High Street   | Library Board appointee     |
| 5. Don Little        | 6 Cottage Court   | CPC appointee               |
| 6. Rob Germinara     | 2 Ashland Street  | Zoning amendments           |

**6. MAYOR'S COMMENT**

The mayor gave an update pursuant to her written communication, and also read a proclamation on gun violence awareness.

**CONSENT AGENDA**

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

**7. APPROVAL OF MINUTES**

May 9, 2016

(Approve)

**8. TRANSFERS**

- **TRAN014\_05\_31\_16** General Fund \$10,000.00 to CCN Ordinance Recodification \$2,500.00, CCN Legal Ads \$1,500.00, and BDR Elections \$6,000.00 (B&F)
- **TRAN015\_05\_31\_16** Fire Fuel/Oil \$10,000.00 to Fire Maintenance \$10,000.00 (B&F)
- **TRAN016\_05\_31\_16** General Fund \$63,000.00 to Fire/Fuel Oil \$10,000.00, Fire Educational Materials \$2,000.00, and Fire Overtime \$75,000 (B&F)

**9. COMMUNICATIONS**

- **COMM055\_05\_31\_16** Exchange Club Request to Advertise Field of Honor Program (L&P)
- **COMM056\_05\_31\_16** Oregano Application for Outdoor Seating (L&P)  
Motion to remove from Consent Agenda by Councillor Vogel, seconded by Councillor Earls. So voted.
- **COMM058\_05\_31\_16** Bed Race Event Application (PS)
- **COMM059\_05\_31\_16** LATE FILE Letter RE: Sign Committee (L&P)
- **COMM060\_05\_31\_16** Mobilitie, LLC Highway Access Permit (PU)

**10. APPOINTMENTS**

**First Reading  
APPOINTMENTS**

- **APPT036\_05\_31\_16** Sarah T. Spalding 280 High Street, Nbpt Library Board

**CONFIRMATORY APPOINTMENTS**

- **APPT037\_05\_31\_16** Joseph Brown 6 Cutting Drive, Nbpt Waterfront Trust
- **APPT038\_05\_31\_16** Wilbur Shenk 1 Beck Street, Nbpt Waterfront Trust
- **APPT039\_05\_31\_16** George H. Ellison, Jr. 2A Noble Street, Nbpt Waterfront Trust
- **APPT040\_05\_31\_16** Steven D. Hines 54 Ferry Road, Nbpt Waterfront Trust
- **APPT041\_05\_31\_16** Scott W. Sutherland 3 Savory Street, Nbpt Waterfront Trust

**RE-APPOINTMENTS**

- **APPT042\_05\_31\_16** Paul Healy 8 N Street, Nbpt Comm Preservation
- **APPT043\_05\_31\_16** Paul Healy 8 N Street, Nbpt Conservation Comm
- **APPT044\_05\_31\_16** Paul Hogg 4 Coltin Drive, Nbpt Harbormaster
- **APPT045\_05\_31\_16** Donald F. Little 6 Cottage Court, Nbpt Comm Preservation
- **APPT046\_05\_31\_16** Daniel R. May 5 Lucey Drive, Nbpt Harbor Comm
- **APPT047\_05\_31\_16** Maurice Southworth 12 Fruit Street Fruit St Local
- **APPT048\_05\_31\_16** David B. Vine 47 Marlboro Street, Nbpt Conservation Comm
- **APPT049\_05\_31\_16** Daniel P. Warchol 47 Plummer Avenue, Nbpt Conservation Comm
- **APPT050\_05\_31\_16** Sarah M. White 349 High Street, Nbpt Historical Comm

**END OF CONSENT AGENDA  
REGULAR AGENDA**

Motion to approve the Consent Agenda by Councillor Cameron, seconded by Councillor Giunta. So voted.

## 11. MAYOR'S UPDATE

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

## 12. COMMUNICATIONS

- **COMM057EP\_05\_31\_16** Emergency Preamble for Anchor Stone Deck Pizza and Oregano Outdoor Seating  
President O'Brien allowed COMM057\_05\_31\_16 and COMM056\_05\_31\_16 to be considered jointly; COMM057EP\_05\_31\_16 was amended to include COMM056\_05\_31\_16. Roll call vote, 10 Y, 1 Present.
- **COMM057\_05\_31\_16** Anchor Stone Deck Pizza and Oregano Application for Outdoor Seating  
Motion to approve COMM057\_05\_31\_16 and COMM056\_05\_31\_16 collectively, according to amended emergency preamble, by Councillor Earls, seconded by Councillor Vogel. Roll call vote, 11 yes.

## 13. APPOINTMENTS

### Second Reading APPOINTMENTS

- **APPT034\_05\_09\_16** Peter Binette                      255 Main Street, Ames, MA                      Building Comm  
Motion to approve by Councillor Cameron, seconded by Councillor Cronin. Roll call vote, 10 yes, 1 Absent.
- **APPT035\_05\_09\_16** Byron M. Getchell              14 Milk Street, Nbpt, MA                      Tree Comm  
Motion to approve by Councillor Cameron, seconded by Councillor Zeid. Roll call vote, 11 yes.

## 14. ORDERS

- **ORDR037\_05\_31\_16** Military Plate Space in Green St lot  
Motion to refer to Budget & Finance by Councillor Giunta, seconded by Councillor Zeid. So voted.
- **ORDR038\_05\_31\_16** Intermunicipal Agreement for Shared Animal Control Services  
Motion to refer to License & Permits by Councillor Cronin, seconded by Councillor Giunta. Roll call vote, 7 yes, 4 no. Motion passed.
- **ORDR039\_05\_31\_16** Increase Hourly Parking Rate to \$1.50  
Motion to refer to Budget & Finance by Councillor Cronin, seconded by Councillor Giunta. So voted.
- **ORDR040\_05\_31\_16** Whittier Regional Stabilization Fund  
Motion to refer to Budget & Finance by Councillor Giunta, seconded by Councillor Tontar. So voted.
- **ORDR041\_05\_31\_16** Taking on 1 Pasture Road – Sewer Lift Station  
Motion to refer to Planning & Development by Councillor Cameron, seconded by Councillor Connell. So voted.
- **ORDR042\_05\_31\_16** F&S Construction – New Licensed Contractor

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

- **ORDR043\_05\_31\_16** Free Parking During Christmas Season

Motion to refer to Budget & Finance by Councillor Giunta, seconded by Councillor Zeid. So voted.

## 15. ORDINANCES

- **ODNC010\_05\_31\_16** Amend Outdoor Seating

Motion to refer to License & Permits by Councillor Vogel, seconded by Councillor Tontar. So voted

- **ODNC011\_05\_31\_16** Amend Transient Vendors for Cashman

Motion to refer to License & Permits, COTW by Councillor Eigerman, seconded by Councillor Cameron. So voted.

- **ODNC012\_05\_31\_16** Amend Sign Ordinance Chapter 12.3 et al

Motion to refer to License & Permits by Councillor Vogel, seconded by Councillor Tontar, withdrawn. Motion to refer to Public Utilities by Councillor Eigerman, seconded by Councillor Vogel. So voted.

## 15. COMMITTEE ITEMS

### **Budget & Finance**

#### *In Committee:*

- **ORDR009\_02\_08\_16** Increase fees for Fire Dept.

- **ORDR010\_02\_08\_16** Increase fines Parking Violations

- **COMM034\_03\_29\_16** CIP Submission FY 2016

Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted.

- **ORDR002\_01\_25\_16** Accept gift of \$25,000 repairing Brown's Wharf Culvert (COTW)

- **TRAN011\_05\_09\_16** Solid Waste Fee \$8,700.00 to Chipper \$8,700

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

- **TRAN012\_05\_09\_16** Free Cash \$6,400.00 to HWY Maint Bldg \$6,400

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

- **TRAN013\_05\_09\_16** Multiple Accounts \$482,349.00 to Fuller Field & Track Project \$482,349.00 (COTW)

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

- **COMM052\_05\_09\_16** FY2017 Proposed Budget (COTW)

### **General Government**

#### *In Committee:*

### **Joint Education**



## **License & Permits**

### ***In Committee:***

- **COMM010\_01\_25\_16** - Licensing Commission Acoustic & Amplified Entertainment
- **ODNC004\_01\_25\_16** – Chapter 3 Animals Dogs Nuisance  
Motion to remove by Councillor Vogel, seconded by Councillor Zeid. Motion to approve by Councillor Vogel, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 no.
- **COMM049\_05\_09\_16** Atomic Coffee Co. Application for Outdoor Seating

## **Neighborhoods and City Services**

### ***In Committee:***

- **ODNC001\_01\_11\_16** Amend Ch11 Parks and Recreation (COTW)
- **COMM032\_03\_29\_16** Councillor Cronin - Garage Impact Abutters Group Recs  
Motion to remove by Councillor Connell, seconded by Councillor Zeid. Motion to receive and file by Councillor Connell, seconded by Councillor Zeid. So voted.
- **COMM033\_03\_29\_16** Councillor Zeid - Garage Impact Abutters Group Recs  
Motion to remove by Councillor Connell, seconded by Councillor Zeid. Motion to receive and file by Councillor Connell, seconded by Councillor Zeid. So voted.
- **ORDR031\_04\_25\_16** Tree Order on Replanting  
Motion to remove by Councillor Connell, seconded by Councillor Zeid. Motion to amend, to add the phrase “subject to appropriation” to the final line by Councillor Zeid, seconded by Councillor Connell. So voted. Motion to approve as amended by Councillor Connell, seconded by Councillor Zeid. So voted.
- **ORDR032\_04\_25\_16** Veterans at Brown Square  
Motion to remove by Councillor Connell, seconded by Councillor Zeid. Motion to approve by Councillor Connell, seconded by Councillor Zeid. So voted.
- **ODNC009\_04\_25\_16** CDT renamed to Human Rights Committee  
Motion to remove by Councillor Connell, seconded by Councillor Cameron. Motion to approve by Councillor Connell, seconded by Councillor Cameron. So voted.
- **ORDR035\_05\_09\_16** Rename Portion of Atwood Park to Garrison Gardens  
Motion to remove by Councillor Connell, seconded by Councillor Zeid. Motion to approve by Councillor Connell, seconded by Councillor Zeid. So voted.

## **Planning & Development**

### ***In Committee:***

- **COMM005\_01\_11\_16** Letter to Council RE: Economic Development Concept for Business Park
- **COMM020\_02\_08\_16** Memo re: hiring process for Building Commissioner
- **ORDR025\_04\_11\_16** Gloria Braunhardt Little River Bike Trail
- **ODNC007\_04\_11\_16** Zoning – To Improve Record Keeping and Coordination (COTW)  
Motion to remove by Councillor Cameron, seconded by Councillor Giunta. Motion to approve by Councillor Cameron, seconded by Councillor Zeid. Motion to amend by Councillor Zeid, seconded by Councillor Cronin, withdrawn. Motion to amend Section X-D, Paragraph 2, Line 2 by Councillor Zeid, seconded by Councillor Cronin. Motion to approve as amended by Councillor Cameron, seconded by Councillor Zeid.
- **ODNC008\_04\_11\_16** Zoning – Repair City-Owned Sidewalks (COTW)
- **ORDR033\_04\_25\_16** Multi-Hazard Mitigation Plan

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

### **Public Safety**

#### *In Committee:*

- **ORDR011\_02\_29\_16** - Parking – Section 13-168, Winter Hours Restrictions, Certain Streets
- **ORDR023\_04\_11\_16** Parking Restrictions, Simmons Drive
- **ORDR024\_04\_11\_16** Parking Restrictions, Golden Drive
- **COMM046\_04\_25\_16** Dates for Yankee Homecoming  
Motion to remove by Councillor Cronin, seconded by Councillor Cameron. Motion to approve by Councillor Cronin, seconded by Councillor Cameron. So voted.
- **COMM048\_04\_25\_16** Yankee Homecoming Race Application  
Motion to remove by Councillor Cronin, seconded by Councillor Cameron. Motion to approve by Councillor Cronin, seconded by Councillor Connell. So voted.
- **COMM050\_05\_09\_16** Coast to the Cure Bike Ride Sept 10, 2016
- **COMM051\_05\_09\_16** Pan-Merrimack Challenge Jun 18, 2016  
Motion to remove by Councillor Cronin, seconded by Councillor Tontar. Motion to approve by Councillor Cronin, seconded by Councillor Giunta. So voted.

### **Public Utilities**

#### *In Committee*

- **ORDR027\_04\_11\_16** Licensed Contractor Robell, Inc.

### **Rules Committee**

## **16. GOOD OF THE ORDER**

Councillor Zeid announced a Public Safety forum at Pita Hall on June 14<sup>th</sup> at 6:30pm. Councillor Tontar announced a Ward 4 meeting at the Senior Center on June 15<sup>th</sup> at 7pm, a concert on July 2<sup>nd</sup> for the Parks Conservancy, and Budget Workshops on June 2<sup>nd</sup>, June 7<sup>th</sup>, and June 9<sup>th</sup>.

## **17. ADJOURNMENT**

Motion to adjourn by Councillor Tontar, seconded by Councillor Cameron. So voted. 9:47pm.

## TRANSFERS



# City of Newburyport

## FY 2016

### BUDGET TRANSFER REQUEST

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2016 JUN - 13

**Department:** Mayor's Office  
**Submitted by:** Mayor Donna D. Holaday      **Date Submitted:** 6/13/2016

**Transfer From:**

Account Name	<u>General Fund - Free Cash</u>	YTD Bal:	<u>\$ 732,119.66</u>
Account Number:	<u>01-35910</u>	Category:	<u>\$ -</u>
Amount:	<u>\$28,068.02</u>	Trans I/O:	<u>\$ (2,086,316.34)</u>
Why are Funds Available:	<u>The Massachusetts Department of Revenue certified Free Cash for FY2016 at \$2,818,436. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council. YTD balance does not reflect \$73,000.00 in pending transfer requests.</u>		

**Transfer From:**

Account Name	<u>Snow &amp; Ice - Labor</u>	YTD Bal:	<u>\$ 56,722.98</u>
Account Number:	<u>01423001-51301</u>	Category:	<u>\$ -</u>
Amount:	<u>\$56,722.98</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Available:	<u>Snow and ice expenses are variable depending on winter weather conditions. Weather conditions during this past winter allowed for a remaining balance in the S/I Labor Account of \$56,722.98.</u>		

**Transfer To:**

Account Name	<u>Snow &amp; Ice - Expenses</u>	YTD Bal:	<u>\$ (84,791.00)</u>
Account Number:	<u>01423002-52901</u>	Category:	<u>\$ -</u>
Amount:	<u>\$84,791.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Required:	<u>Snow and ice expenses are variable depending on winter weather conditions. Weather conditions during this past winter caused the amount appropriated for S/I Expenses to exceed by \$84,791.00. This account is used to pay the cost of contractors hired to clear snow, equipment maintenance, as well as, materials such as salt and sand. State law allows communities to deficit spend in this category, however the deficit must be removed by fiscal year-end with available funds, or raise in FY2017.</u>		

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

\_\_\_\_\_  
 \_\_\_\_\_

Date: 6/17/16  
 Date: 6/7/16





# City of Newburyport

## FY 2016

### BUDGET TRANSFER REQUEST

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2016 JUN - 13

**Department:** DPS - Sewer

**Submitted by:** Anthony Furnari, Director

**Date Submitted:** 6/13/2016

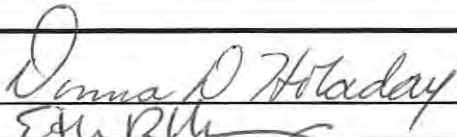
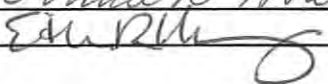
**Transfer From:**

Account Name	Sewer Retained Earnings	YTD Bal:	\$	1,359,181.00
Account Number:	61-35920	Trans In:	\$	-
Amount:	\$370,000.00	Trans Out:	\$	(568,000.00)
Why are Funds Available:	<i>The Massachusetts Department of Revenue certified Retained Earnings for the Sewer Enterprise Fund for FY2016 at \$1,927,181. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.</i>			

**Transfer To:**

Account Name	Odor Control Improvements Project	YTD Bal:	\$	248,231.50
Account Number:	4101-49700	Trans In:	\$	343,000.00
Amount:	\$370,000.00	Trans Out:	\$	-
Why are Funds Required:	<i>To fund expedited bidding/construction services of Contract 1 of the Odor Control and Facility Upgrade at the City's Wastewater Treatment Facility, as well as, additional design work for Contract 2. See attached explanatory memoranda.</i>			

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

Date: 6/17/16

Date: 6/17/16



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY  
60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
(978) 465-4413 • (978) 465-4402 (FAX)  
WWW.CITYOFNEWBURYPORT.COM

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2016 JUN 10

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: June 7, 2016  
Subject: Request for Transfer to Fund Contract 1 Expedited Bidding/Construction Services and Contract 2 Additional Design for Wastewater Treatment Facility Odor Control

---

I am writing to respectfully request approval of an appropriation from Sewer Retained Earnings in the amount of \$370,000 to fund the Contract 1 Expedited Bidding and Construction Services, and the Contract 2 Additional Design for odor control and facility upgrades at the Wastewater Treatment Facility at 115 Water Street.

At the May 23, 2016 Water and Sewer Commission meeting, Bob Rafferty from Environmental Partners discussed milestones and funding approval dates for the facility upgrades at the Wastewater Treatment Facility. The attached transfer will position the Water and Sewer Commission to move forward within the necessary timeline.

Again, listed below are the Project Milestones.

<b>Project Milestones</b>	<b>Completion Dates</b>
1A Preliminary Design	February 29, 2016
1B City Review	March 14, 2016
2A Permitting Submittal	May 31, 2016 - July 25, 2016
2B Final Design	June 27, 2016
2C City Review	July 18, 2016
3 Bid Period	July 25, 2016 - September 2, 2016
4 Award Contract	September 19, 2016
5 Construction Period	September 2016 - June 2017

To meet the above milestones, we are anticipating our funding needs as shown below. The estimated costs will be further refined as the design process is completed and the project goes out to bid.



<b>Phase</b>	<b>Estimated Cost</b>	<b>Funding Approval Dates</b>
Preliminary Design	\$113,000	January 11, 2016
Final Design/Bidding	\$230,000	February 29, 2016
Expedited Design/Bidding/ Construction Services	\$370,000	June 27, 2016
Construction	\$3.0-3.5 million	September 12, 2016

The scheduling of a portion of construction in spring and summer 2016 (Contract 1) improves the odor control situation for the summer season but requires moving some design, bidding and construction services funds to May instead of late summer. The inclusion of the sodium hypochlorite septage receiving, exterior ducts, and geotechnical engineering have added design and construction scope, but the total budget is still at the initial estimate.

The goals of this project are two-fold: (1) take immediate steps to reduce odors for summer of 2016 and (2) undergo bidding and construction of the facility upgrades as a permanent solution to reducing odors at the facility.

I thank you in advance for your consideration.



# City of Newburyport

## FY 2016

# BUDGET TRANSFER REQUEST

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2016 JUN - 16

**Department:** Police Department

**Submitted by:** Mark R. Murray, City Marshal

**Date Submitted:** 6/13/2016

**Transfer From:**

Account Name	POL Heat	YTD Bal:	\$	8,631.39
Account Number:	01210002-52101	Trans In:	\$	-
Amount:	\$7,500.00	Trans Out:	\$	-
Why are Funds Available:	<i>Anticipated heating costs were lower than projected.</i>			

**Transfer From:**

Account Name	POL Electricity	YTD Bal:	\$	4,719.72
Account Number:	01210002-52102	Trans In:	\$	-
Amount:	\$1,500.00	Trans Out:	\$	15,000.00
Why are Funds Available:	<i>Anticipated electricity costs were lower than expected.</i>			

**Transfer From:**

Account Name	POL Equipment Maintenance	YTD Bal:	\$	9,653.24
Account Number:	01210002-52402	Trans In:	\$	-
Amount:	\$4,000.00	Trans Out:	\$	-
Why are Funds Available:	<i>Less maintenance was required on newer equipment.</i>			

**Transfer From:**

Account Name	POL Fuel/Oil Vehicles	YTD Bal:	\$	14,696.12
Account Number:	01210004-54801	Trans In:	\$	-
Amount:	\$10,000.00	Trans Out:	\$	35,000.00
Why are Funds Available:	<i>Anticipated fuel and oil costs were lower than projected due to the price of gas.</i>			

**Transfer To:**

Account Name	POL Purchase Cruiser	YTD Bal:	\$	3,486.38
Account Number:	01210008-58501	Trans In:	\$	-
Amount:	\$23,000.00	Trans Out:	\$	-
Why are Funds Required:	<i>Funds are needed to replace a cruiser, which was involved in a motor vehicle accident on May 13, 2016. The cruiser was a total loss according to the City's insurance company. \$4,895 was recovered from the City's insurance policy, which will also go toward the purchase of the new cruiser in accordance with MGL Ch. 44, Sec. 53.</i>			

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

Date: 4/2/16  
Date: 6/7/16



# CITY OF NEWBURYPORT

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
JUN 10 2016

June 2<sup>nd</sup>, 2016

## POLICE DEPARTMENT

MARK R. MURRAY  
CITY MARSHAL

4 GREEN STREET  
NEWBURYPORT, MA 01950

TEL: 978-462-4411

FAX: 978-462-0396

TO: President and Members of the Newburyport City Council  
FROM: City Marshal Mark Murray  
RE: Transfer Request

The police department has always carried 10 marked police cruisers 5-6 which are used as front line cars. The older cars are used as spare cars for special assignments such as traffic details or school/training. We will also deploy extra patrol during special events, such as festivals, road races or unusual occurrences which require added patrol.

We are currently at 8 marked police cruisers. We have lost 2 cruisers in accidents in the last year and 2 2009 Dodge Chargers to mechanical issues. We have been rotating the older vehicles out of the front line and using them more sparingly. We find that by doing this and maintaining a fairly new frontline fleet we are able to keep the maintenance costs at a reasonable level. The front line cars are running 24 hours a day.

The fleet currently consists of:

505	2016	FORD EXPLORER
508	2014	FORD EXPLORER
509	2014	FORD EXPLORER
502	2014	FORD POL INTER
501	2011	FORD CRN VIC
503	2011	FORD CRN VIC
507	2010	FORD CRN VIC
506	2006	FORD CRN VIC

The 2010 Ford Crown Vic is dedicated to the K9 Officer. We are currently waiting for the delivery of a 2016 Ford Police Interceptor sedan which was ordered back in February, which was replacing 1 of the 2 Dodge Chargers which were put out of service due to mechanical issues. I would like to replace car# 506 which is a 2006 Ford Crown Vic.

The cost to purchase this vehicle is \$27,895.

City Marshal Mark Murray

*Excellence In Policing Through Superior Service*

## COMMUNICATIONS





RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA



CITY OF NEWBURYPORT  
60 PLEASANT STREET  
NEWBURYPORT, MA 01950

**BLOCK PARTY APPLICATION**

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

DATE OF REQUEST: 6/1/16

CONTACT INFORMATION

FIRST AND LAST NAME: JOANNE BLASER

MAILING ADDRESS: 7 TYNG STREET

PHONE NUMBER: (978) 270-9098 (cell)

E-MAIL ADDRESS: NOPTBLASERS@COMCAST.NET

BLOCK PARTY INFORMATION

BLOCK PARTY DATE: 6/24/16 - FRIDAY - END OF SCHOOL YEAR CELEBRATION!

DESIRED STREET CLOSING LOCATION: TYNG + MUMFORD AND TYNG + MERRIMAC ST.  
Please indicate cross streets when requesting the closing of street sections

STREET TO BE BARRICADED: (LOWER) TYNG STREET

DESIRED STREET CLOSING TIME: 5:30PM - 10PM  
Block Parties should run no later than 10:00 p.m.

**REGULATIONS**

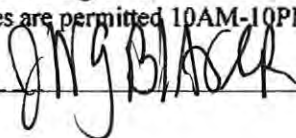
By signing, I agree that I am a legal adult 18 years of age or older and understand this permit does not release me of any liability for damages that may result from the conducting of this Block Party. Further, I agree to comply with all requirements listed below:

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

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

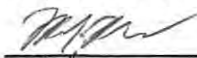

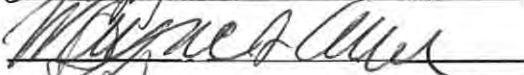
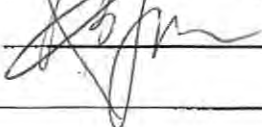
It is hereby agreed that, by signing and presenting this application, signer(s) represents to the City of Newburyport that the following statements are true and correct, and agrees to and will abide by the following:

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

Applicant Signature  Date 6/1/16

**APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE**

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

City use only:

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



# NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

(For Parades, Road Races and Walkathons Only - Please complete page 3 of this application)

NAME OF EVENT: Newburyport Half Marathon

Date: 10/23/16 Time: from 9:00 to 2:00pm  
 Rain Date: 10/30/16 Time: from 9:00 to 2:00pm

2. Location: Cushman Softball Field

3. Description of Property: ↑ Public  Private

4. Name of Organizer: Eli Bailin / Green Stride City Sponsored Event: Yes  No   
 Contact Person Eli Bailin  
 Address: 55 Prospect St Amesbury Telephone: 978 270 2026  
 E-Mail: Elibailin@hotmail.com Cell Phone: Same  
 Day of Event Contact & Phone: Eli - 978 270 2026

5. Number of Attendees Expected: 3,500

6. MA Tax Number: 47-0987984

7. Is the Event Being Advertised? yes Where? online

8. What Age Group is the Event Targeted to? Adults 18-70+, Runners

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

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

A. Vending: Food  Beverages  Alcohol  Goods  Total # of Vendors 12-15

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

C. Games /Rides: Adult Rides  Kiddie Rides  Games  Raffle   
 Other  Total #   
 Name of Carnival Operator: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone: \_\_\_\_\_

D. Organizer is responsible for clean-up during and after event. All trash must be collected and removed from event location immediately at the end of the event unless prior written agreement had been made with the Department of Public Services (DPS).

Will you be conducting the clean-up for this event? Yes  No

RECEIVED  
 OFFICE OF PERMITS  
 10/23/16 11:37 AM

**If yes:**

- a) How many trash receptacles will you be providing? Up to 10
- b) How many recycling receptacles will you be providing? Up to 10
- c) Will you be contracting for disposal of : **Trash** Yes  No  **Recycling** Yes  No 
  - i. If yes, size of dumpster(s): **Trash** 20 yard **Recycling** 20 yard
  - ii. Name of disposal company: **Trash** Mello **Recycling** Mello
  - iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes  No
  - iv. If no, where will the trash & recycling be disposed ? \_\_\_\_\_

**If no:**

- a) # of trash container(s) to be provided by DPS \_\_\_\_\_
- b) # of recycling container(s) to be provided by Recycling Office as many as they will provide
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

All fees must be paid prior to the event. Check or money order is payable to the City of Newburyport.

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

# 60 Standard      # 5 ADA accessible

Name of company providing the portable toilets: PA. Wilkinson / Dave's Septic

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

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

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

2. Name, Address & Daytime Phone Number of Organizer: 978-270-2026

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up Green Stride,  
Eli Bailin 978 270 2026  
55 Prospect St  
Amesbury, MA

4. Date of Event: 10/23/16 Expected Number of Participants: 3,500

5. Start Time: 9:00 am Expected End Time: 2:00 pm

6. Road Race, Parade or Walkathon Route: (List street names & **attach map of route**):  
Merrimac St, Spofford, Pine Hill, Hoyts, Dennett, Turkey Hill, Middle St\*,  
Garden\*, Rogers\*, Hale St, Malcolm Hoyt, Parker, Rail Trail  
\* West Newbury

7. Locations of Water Stops (if any): See attached

8. Will Detours for Motor Vehicles Be Required? \_\_\_\_\_ If so, where? See attached

9. Formation Location & Time for Participants: 202 Merrimack st. 8:30 a.m.

10. Dismissal Location & Time for Participants: Cashman Park ball field 11:00 a.m.-2:00pm

11. Additional Parade Information:
- Number of Floats: N/A
  - Locations of Viewing Stations: N/A
  - Are Weapons Being Carried: Yes \_\_\_\_\_ No —
  - Are Marshalls Being Assigned to Keep Parade Moving: Yes \_\_\_\_\_ No —

**APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE OR ANY USE OF A PUBLIC WAY.**

CITY MARSHAL [Signature] 4 Green St. FIRE CHIEF [Signature] 0 Greenleaf St.  
DEPUTY DIRECTOR [Signature] 16A Perry Way CITY CLERK \_\_\_\_\_ 60 Pleasant St.

## DEPARTMENT APPROVAL (for Committee Member use only):

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

Approval Required	Date: _____	Signature _____
___	1. Special Events:	_____
___	2. Police:	_____
	Is Police Detail Required: _____	# of Details Assigned: _____
___	3. Traffic, Parking & Transportation:	_____
___	4. ISD/Health:	_____
___	5. Recycling:	_____
___	6. ISD/Building:	_____
___	7. Electrical:	_____
___	8. Fire:	_____
	Is Fire Detail Required: _____	# of Details Assigned: _____
___	9. Public Works: Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply	
	<input type="checkbox"/> Yes: \$ _____ due on _____	<input type="checkbox"/> No Fee for Special Events applies
	Other requirements/instructions per DPS _____	_____
___	10. Recreation Department:	_____
___	11. License Commission	_____

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

### Limitations

- (a) "Procedure" All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, board of directors, charity foundation or designee apply for authorization to hold the event through the Office of the City Clerk. The City Clerk upon review of the completed form will place the application on the regular City Council agenda. Upon following the procedures of the Council, as deemed appropriated in the sole judgment of the Council, the application will be considered approved if the Council votes favorably by majority. The event will name one person responsible on the application and shall provide contact information to include name, address and telephone number.
- (b) "Exemptions" Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.
- (c) "Course map", All applications shall be accompanied by a course map showing the event route, water stops, refreshment stops, and so-called "porta-potties". The course map shall also include any road closures, detours and parking areas. The course map shall be approved by Police, Fire, Department of Public Services, Parks Commission and Harbormasters Departments prior to submission to the City Clerk.
- (d) "Electronic Amplifier" Electronic amplifiers, loudspeakers and bullhorn use shall be requested at time of application. Under no circumstances will they be used for public address announcements or music before 8:00 A.M. except for Sundays when electronic amplifiers, loud speakers or bullhorns will be used for public address announcements or music before 9:00 AM. This shall be deemed a requirement for all permitted events regardless of type or location.



- (e) *"Road Closure"* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents ten (10) days in advance that neighborhood roads will be closed if no alternate route is available to those residents.
- (f) *"Insurance"* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an insured. The policy shall be no less than two million dollars (\$2,000,000.00).
- (g) *"Event termination"* If in the judgment of the City Marshal, Fire Chief or Department of Public Services (DPS) Director or designees thereof determine that an event is unsafe due to existing conditions, that event may be stopped, terminated or suspended. In the case of a multidiscipline event such as a triathlon, the Harbormaster or his/her designee may likewise stop, terminate or suspend the swimming portion for cause.
- (h) *"Event and traffic Security"* The City Marshal, Fire Chief, DPS Director or in the case of a triathlon, the Harbormaster can require special duty personnel to oversee the safety and security of the event. All special duty assignments will be paid by the event organizers.
- (i) *"Clean-up"* The event organizers shall be responsible for post event trash collection, removal of signage, directional arrows, advertisements or other promotional material associated with the event.

**13-101 Enforcement**

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

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

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

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

*5/22/16*

## COURSE DESCRIPTION

START: Merrimac & Kent St intersection

Continue Merrimac St- 1 mile Jefferson St before Atkinson Common

Left on Spofford St- 2 miles

Right on Ferry Rd

Across bridge over Route 95

Continue to Pine Hill Rd- 3miles

Bear right onto Curzon Mill Rd

Left on Hoyts Ln

Left on Storey Ave, Route 113- 4 miles

Right on Dennette DR

Left on Everett DR

Right on Turkey Hill Rd

Right on Plummer Spring Rd- 5 miles

Continues to Middle St

Left on Garden St- 6 miles

Left on Rogers St- 7 miles

Left on Turkey Hill Rd- 8 miles

Right on Hale St- 8.34 miles; 9 miles after RT 95 overpass

Right on Malcolm K Hoyt Rd- 10 miles

Left on Milliken Way to reverse direction at turn around point

Left on Malcolm K Hoyt Rd -10.84 miles; 11 miles before Parker St turn

Left on Parker St

Continue right on Parker St

Left on Clipper City Rail Trail- 11.8 miles; 12 miles on Trail

Continue Trail to before boat ramp & left to

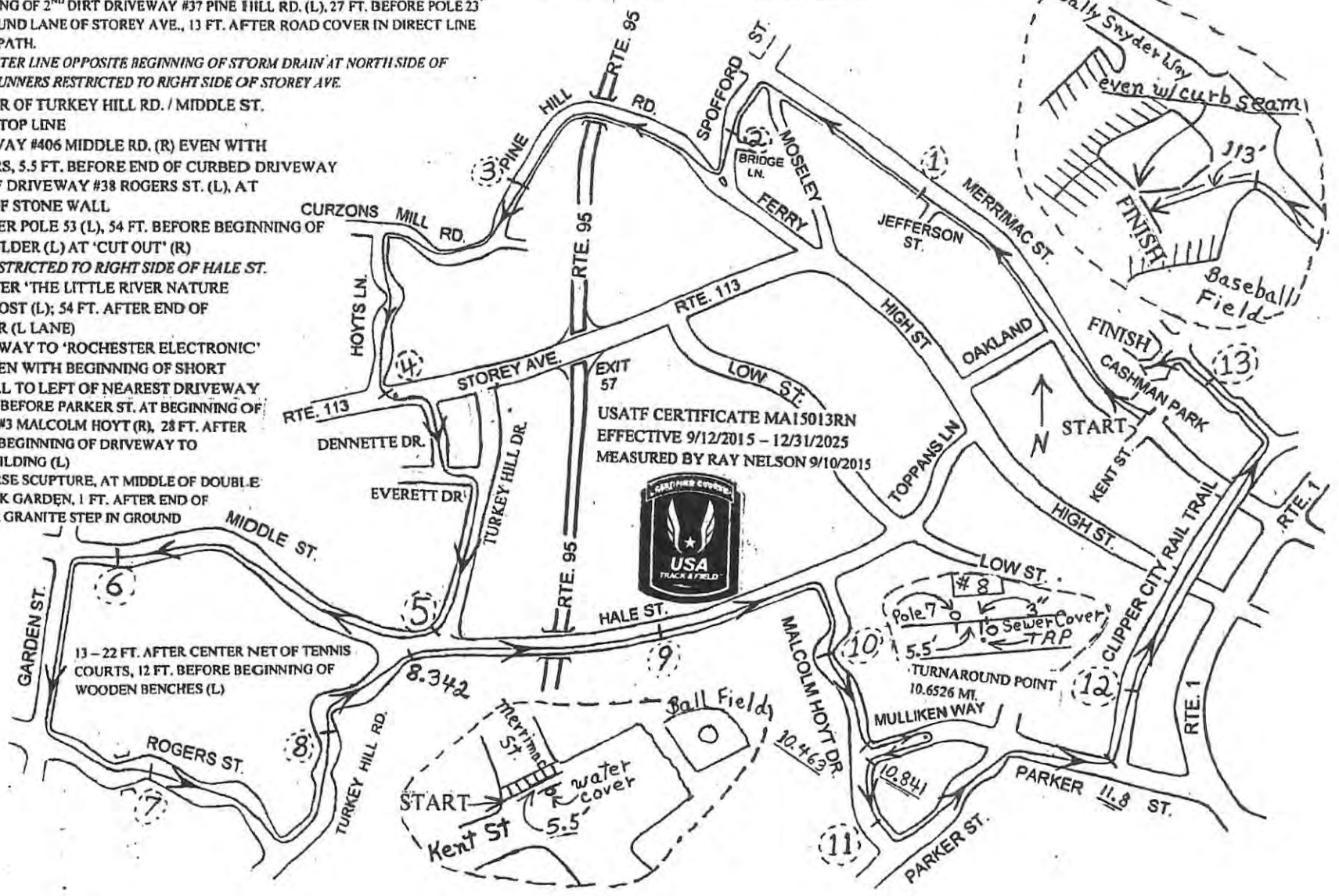
Finish: adjacent to Cashman Park parking lot



# GREEN STRIDE NEWBURYPORT HALF MARATHON

## NEWBURYPORT, MASSACHUSETTS

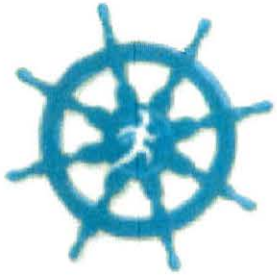
- 1 - ON MERRIMAC ST. @ 50 YD. AFTER JEFFERSON ST., AT BEGINNING OF DRIVEWAY #420 (R), 16 FT. AFTER POLE 91 (R)
- 2 - 3 FT. AFTER END OF DRIVEWAY #52 SPOFFORD ST. (R) - EVEN WITH GRANITE LAMPPOST IN YARD, 33 FT. BEFORE BEGINNING OF BRIDGE LN. (L)
- 3 - AT BEGINNING OF 2<sup>ND</sup> DIRT DRIVEWAY #37 PINE HILL RD. (L), 27 FT. BEFORE POLE 23
- 4 - IN WESTBOUND LANE OF STOREY AVE., 13 FT. AFTER ROAD COVER IN DIRECT LINE OF RUNNERS' PATH.
- \*CONE ON CENTER LINE OPPOSITE BEGINNING OF STORM DRAIN AT NORTH SIDE OF STOREY AVE. RUNNERS RESTRICTED TO RIGHT SIDE OF STOREY AVE.
- 5 - AT CORNER OF TURKEY HILL RD. / MIDDLE ST.
- 6 FT. AFTER STOP LINE
- 6 - IN DRIVEWAY #406 MIDDLE RD. (R) EVEN WITH END OF DOORS, 5.5 FT. BEFORE END OF CURBED DRIVEWAY
- 7 - AT END OF DRIVEWAY #38 ROGERS ST. (L), AT BEGINNING OF STONE WALL
- 8 - 69 FT. AFTER POLE 53 (L), 54 FT. BEFORE BEGINNING OF BIGGEST BOULDER (L) AT 'CUT OUT' (R)
- \*RUNNERS RESTRICTED TO RIGHT SIDE OF HALE ST.
- 9 - 86 YD. AFTER 'THE LITTLE RIVER NATURE TRAIL' SIGNPOST (L); 54 FT. AFTER END OF SEWER COVER (L LANE)
- 10 - IN DRIVEWAY TO 'ROCHESTER ELECTRONIC' BLDG. (L); EVEN WITH BEGINNING OF SHORT CEMENT WALL TO LEFT OF NEAREST DRIVEWAY
- 11 - @ 0.1 MILE BEFORE PARKER ST. AT BEGINNING OF DRIVEWAY TO #3 MALCOLM HOYT (R), 28 FT. AFTER POLE 4 (R); AT BEGINNING OF DRIVEWAY TO BLUE/GRAY BUILDING (L)
- 12 - AFTER HORSE SCULPTURE, AT MIDDLE OF DOUBLE CIRCULAR ROCK GARDEN, 1 FT. AFTER END OF RECTANGULAR GRANITE STEP IN GROUND



USATF CERTIFICATE MA15013RN  
 EFFECTIVE 9/12/2015 - 12/31/2025  
 MEASURED BY RAY NELSON 9/10/2015







# Newburyport Half Marathon

## Sunday, October 25th, 2015

23rd, 2016

### COURSE MAP

Prepared by:  
**DMSE**  
DAVE MCGILLIVRAY SPORTS ENTERPRISES  
**SPORTS**

START: ON MERRIMAC ST @ KENT ST  
FINISH: IN PARKING LOT AT CASHMAN PARK

v. 10/13/2015





RUNNER PACE TIMELINE		PACE: 4:59/MILE	PACE: 10:00/MILE	PACE: 18:19/MILE
MILE	LOCATION	Cross start line: LEAD	Plus 2 min MIDDLE PACK	Plus 4 min. LAST
START	MERRIMAC ST & KENT ST INTERSECTION	10:00:00	10:02:00	10:04:00
1	MERRIMAC ST AFTER JEFFERSON ST	10:04:59	10:12:00	10:22:19
1.8	MERRIMAC ST & SPOFFORD ST INTERSECTION	10:09:00	10:20:00	10:37:00
2	#32 SPOFFORD ST	10:10:00	10:22:00	10:40:38
2.2	SPOFFORD ST & FERRY RD	10:12:00	10:24:00	10:41:18
3	#37 PINE HILL RD	10:14:57	10:32:00	10:58:57
3.4	CURZONS MILL RD & HOYTS LN	10:16:00	10:36:00	11:06:17
4	ON STOREY AVE/RTE 113 JUST AFTER HOYTS LN TURN	10:19:56	10:42:00	11:17:16
4.1	STOREY AVE & DENNETTE DR	10:20:26	10:43:00	11:19:06
4.3	DENNETTE DR & EVERETT DR	10:21:26	10:43:00	11:22:46
4.5	EVERETT DR & TURKEY HILL RD	10:23:56	10:47:00	11:26:26
4.6	EVERETT DR & TURKEY HILL RD	10:24:26	10:48:00	11:28:16
5	TURKEY HILL RD & MIDDLE ST	10:24:55	10:52:00	11:35:35
6	3406 MIDDLE ST BEFORE GARDEN ST TURN	10:29:54	11:02:00	11:53:54
7	#38 ROGERS ST	10:34:53	11:12:00	12:12:13
8	ON TURKEY HILL RD BEFORE HALE ST	10:39:52	11:22:00	12:30:45
8.34	TURKEY HILL & HALE ST INTERESECTION	10:40:30	11:22:40	12:30:32
9	ON HALE ST AFTER "LITTLE RIVER NATURE CENTER SIGNPOST	10:44:51	11:32:00	12:48:51
9.8	HALE ST & MALCOLM HOYT DR INTERSECTION	10:48:51	11:40:00	12:52:30
10	AFTER CURVE ADJACENT TO ROCHESTER ELECTRONIC BLDG	10:49:50	11:42:00	1:07:10
10.5	MALCOML HOYT DR & MULLIKEN WAY	10:52:20	11:47:00	1:16:20
10.84	TURNAROUND ON MULLIKEN WAY	10:53:20	11:51:00	1:22:00
11	0.1 BEFORE LEFT TURN ON PARKER ST	10:54:49	11:52:00	1:25:29
11.5	RIGHT TURN ON PARKER ST	10:56:30	11:54:30	1:34:40
11.8	PARKER ST & ENTRANCE TO CLIPPER CITY RAIL TRAIL	10:58:50	11:56:00	1:40:10
12	ON CLIPPER CITY RAIL TRAIL AFTER HORSE SCULPTURE	10:59:48	12:02:00	1:43:48
13	AFTER LEFT TURN ON TRAIL ALONG THE MERRIMAC RIVER	11:04:57	12:22:00	2:02:07
13.1	PARKING LOT BEFORE THE BOAT RAMP	11:05:20	12:13:05	2:04:00

\* Please note that a 9:00am start time has been requested for 2016. All times listed above will be one hour earlier if granted.

**POLICE ASSIGNMENTS**

1. OIC
2. Lead vehicle
3. Merrimac and Carter
4. Merrimac and Kent
5. Merrimac and Oakland
6. Merrimac & Route 1
7. Merrimac & Route 1
8. Merrimac and Ashland (beer tent)
9. Merrimac and Jefferson (beer tent)
10. Merrimac and Spofford
11. Merrimac and Spofford
12. 113 & Hoyts Lane
13. Dennett & 113
14. Turkey Hill & 113
15. Turkey Hill & Crow
16. Turkey Hill & Hale
17. Turkey Hill & Hale
18. High & Mosely
19. High & Ferry
20. Low & Hale
21. Hale and Malcolm Hoyt
22. Mullikan & Parker
23. Malcolm Hoyt and Parker
24. Malcolm Hoyt & Parker
25. Parker and Parker
26. Rail Trail Parker
27. Rail Trail Washington

## Barricades Locations List for ½ Marathon Sunday 1000 hrs

1. Pine Hill & Hallisey
2. Pine Hill & Daniel Lucey
3. Hale & Toppans
4. Hale & Turkey Hill
5. Hale & Lavalley
6. Parker & Malcolm Hoyt
7. Graf & Parker
8. Rt1 & Parker by Haley's

## COURSE MONITOR PLAN

LOCATION	RACE MONITORS	NEWBURYPORT POLICE	
Merrimac & Route 1		2	
Merrimac & Kent [Race start]	2	1	
Merrimac & Carter	1	1	
Merrimac & Oakland	1	1	
Merrimac & Ashland	1	1	Beer Tent
Merrimac & Jefferson	1	1	Beer Tent
Merrimac & Spofford	1	2	
Spofford & Ferry	1		
High & Mosely		1	
High & Ferry		1	
Ferry & Briggs	1		
Ferry & Laurel	1		
Pine Hill & Whitcomb Ln	1		
Pine Hill & Curzon Mill	1		
Curzon Mill & Daniel Lucy Way	1		
Curzon Mill & Hoyts Ln	1		
Hoyts Ln & Drew	1		
113 & Hoyts Ln	1	1	
113 & Dennett Dr	1	1	
113 & Turkey Hill		1	
Dennett & Everett	1		
Turkey Hill & Everett Dr	2		
Turkey Hill & Bourbeau Terrace	2		
Turkey Hill & Windward Dr	2		
Turkey Hill & Longfellow Dr	2		
Turkey Hill & Newhall Ln	2		
Turkey Hill & Marquard Ln	2		
Turkey Hill & Longfellow Dr	2		
Turkey Hill & Crow		1	
Turkey Hill & Hale		2	
Low & Hale		1	
Middle & Garden	1		
Garden & Browns Ln	2		
Garden & Rogers	1		
Garden & Turkey Hill	1		
Hale & Malcolm Hoyt	1	1	
Malcolm Hoyt & Parker		2	
Mulliken & Parker		1	
Parker & Parker		1	
Parker & Rail Trail	2	1	
Rail Trail & Washington	1	1	
	41	25	



Newburyport Half Marathon  
Start/Finish Equipment

Qty	Item	Location	Provided	Comments
2	2 Wheeler	Start/Finish	DMSE	Ballfield-1, Start-1
1	Airhorn	Start	DMSE	
1	American Flag	Start	DMSE	
1	Announcer Platform	Start	DMSE/IRS	Ron to pick up from IRS
2	Ballast Water Barrel	Start	DMSE	NEED COAT HANGER
2	Banner	Start	ELI	2 - Single Sided Start Banners, back to back
1	Bullhorn	Start	DMSE	
2	Garden Hose	Start	DMSE	
2	Scaffolding Tower Scrim Set	Start	DMSE	Blue/White
2	Scaffolding Towers (4' x 7' x 12')	Start	DMSE	
150	Steel Barricade - Feet	Start	DMSE	All on trailer plus 30 from warehouse
120	Steel Barricade (10' x 44")	Start	DMSE	Start-80, Finish-20, Ballfield-20
4	Straps	Start	DMSE	
30	Traffic Cones (18")	Start	DMSE	
9	Veratruss System (Per Meter)	Start	DMSE	3 - 3M
1	Zip Ties - 8" (bag)	Start	DMSE	



Water Station Equipment

Qty	Item	Location	Provided By	Comments
8	UCAN Concentrate Mix (case)	Water Stations	Eli	
4	UCAN Cups (case)	Water Stations	Eli	
4	UCAN Stirrers	Water Stations	DMSE	
8	Gloves	Water Stations	DMSE	
4	Gotts	Water Stations	DMSE	
1	Pallet Jack	Water Stations	DMSE	
4	Pitchers	Water Stations	DMSE	
16	Rakes	Water Stations	DMSE	
16	Shovels	Water Stations	DMSE	
32	Tables	Water Stations	Eli	
28	Trash Barrels	Water Stations	DMSE	
105	Trash Liners	Water Stations	DMSE	
132	Water - Gallon (case)	Water Stations	Eli	
15	Water Cups (case)	Water Stations	Eli	

Newburyport Half Marathon  
DMSE Equipment

Qty	Item	Location	Provided By	Comments	Truck
2	2 Wheeler	Start/Finish	DMSE	Ballfield-1, Start-1	DMSE
1	Airhorn	Start	DMSE		DMSE
1	American Flag	Start	DMSE		DMSE
1	Announcer Platform	Start	DMSE/IRS	Ron to pick up from IRS	DMSE
2	Ballast Water Barrel	Start	DMSE	NEED COAT HANGER	DMSE
1	Bullhorn	Start	DMSE		DMSE
2	Garden Hose	Start	DMSE		DMSE
8	Gloves	Water Stations	DMSE		16' Water
4	Gotts	Water Stations	DMSE		16' Water
1	Pallet Jack	Water Stations	DMSE		26' Water
30	Parking Flags	Course	DMSE	Aaron to give to volunteers Thurs before	
4	Pitchers	Water Stations	DMSE		16' Water
16	Rakes	Water Stations	DMSE		16' Water
45	Safety Vests	Course	DMSE	One for every course monitor	
33	Sandwich Boards (2'x3')	Course	DMSE	20 Directional, 13 Mile Markers	16' Course
2	Scaffolding Tower Scrim Set	Start	DMSE	Blue/White	DMSE
2	Scaffolding Towers (4' x 7' x 12')	Start	DMSE		DMSE
16	Shovels	Water Stations	DMSE		16' Water
20	Signs - Course Directional	Course	DMSE		16' Course
150	Steel Barricade - Feet	Start	DMSE	All on trailer plus 30 from warehouse	26' Water
120	Steel Barricade (10' x 44")	Start	DMSE	Start-80, Finish-20, Ballfield-20	26' Water & TRAILER
4	Straps	Start	DMSE		DMSE
32	Tables	Water Stations	Eli		26' Water
30	Traffic Cones (18")	Start	DMSE		DMSE
100	Traffic Cones (18")	Course	DMSE		16' Course
28	Trash Barrels	Water Stations	DMSE		16' Water
105	Trash Liners	Water Stations	DMSE		16' Water
2	Velcro	Course	DMSE		16' Course
9	Veratruss System (Per Meter)	Start	DMSE	3 - 3M	DMSE
1	Zip Ties - 8" (bag)	Start	DMSE		DMSE

## MEDICAL PROGRAM

### Medical Plan and Layout: Sunday 10/25/15 ½ Marathon and Relay

**Medical staff arrival:** 9:30 AM  
**Start time:** 10:00 AM  
**Orthopedic support**  
**Staff arrival:** 10:30 AM  
**Estimated end time:** 2:00 PM

8:30  
 9:00  
 9:30  
 1:00

} If 9:00am start is granted

### Medical Plan Details:

- Dedicated BLS ambulance at finish line next to tent
  - With AEDx2
- Tent staff including:
  - Medical
    - NP (Pam)
    - 3 BLS EMTs
    - (possibly) PA (Dixie)
  - Musculoskeletal
    - DC (Adam) – orthopedic complaints
    - PT (Chris)
    - PT (James)
- ½ way tent staff including:
  - 2 EMTs with bags and truck
- 5 Volunteer spotters on course at following intervals from finish (equipped with cell phone and/or radio)
  - ¼ mile
  - ½ mile
  - ¾ mile
  - Finish (2)

### Tent contents:

1. 4-6 medical cots
2. 2 portable massage tables
3. 5 25ct boxes instant ice packs
4. Mueller M tape, White athletic tape
5. Ace wraps
6. Vaseline
7. 5 EMS bags (red)
  - a. Contents include:
    - i. Airway & CPR mask
    - ii. Wound care bandages
      1. Various sized band aids
      2. Sterile gauze pads
      3. Sterile gauze wraps
      4. Waterproof tape



## MEDICAL PROGRAM

- iii. Wound cleaning supplies
  - 1. Iodine swabs
  - 2. Alcohol prep swabs
  - 3. Bacitracin
- iv. SAM splint
- v. Moleskin
- vi. Sunscreen
- vii. Glucose tabs
- viii. Acetaminophen tabs
- 8. Nitrile gloves size L
- 9. Nitrile gloves size M
- 10. Glucometer
  - a. Lancets
  - b. Test strips
- 11. 10 gallons concentrated electrolyte solution (Gatorade)

### Medical Tent Organization:

1. Prior to entering tent, all conscious, ambulatory patients sign consent form
  2. Adam and/or Pam triages complaint to either staff accordingly
    - i. \*\* suspicion of EAC or non-ambulatory persons are priority
      1. EAC with LOC requires immediate transport via ambulance
        - a. Assume hyponatremia unless otherwise indicated
    - ii. \*\* all staff are required to dawn personal protection (i.e. gloves and/or glasses) when human blood is visible
    - iii. \*\* all staff are to practice hand sanitization when in contact with bodily fluids
  - b. Medical
  - c. Orthopedic
3. Event encounter form completed by tent staff as patient is discharged with documented instructions







# Newburyport Half Marathon

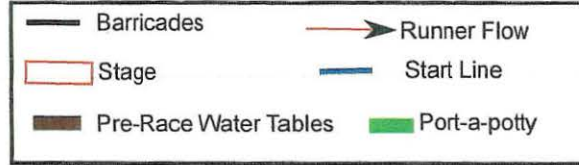
Sunday,  
October 25th, 2015  
*23rd, 2016*

# Start Area

Prepared by:

**DMSE**  
DAVE MCGILLIVRAY SPORTS ENTERPRISES  
**SPORTS**

v. 10/13/2015



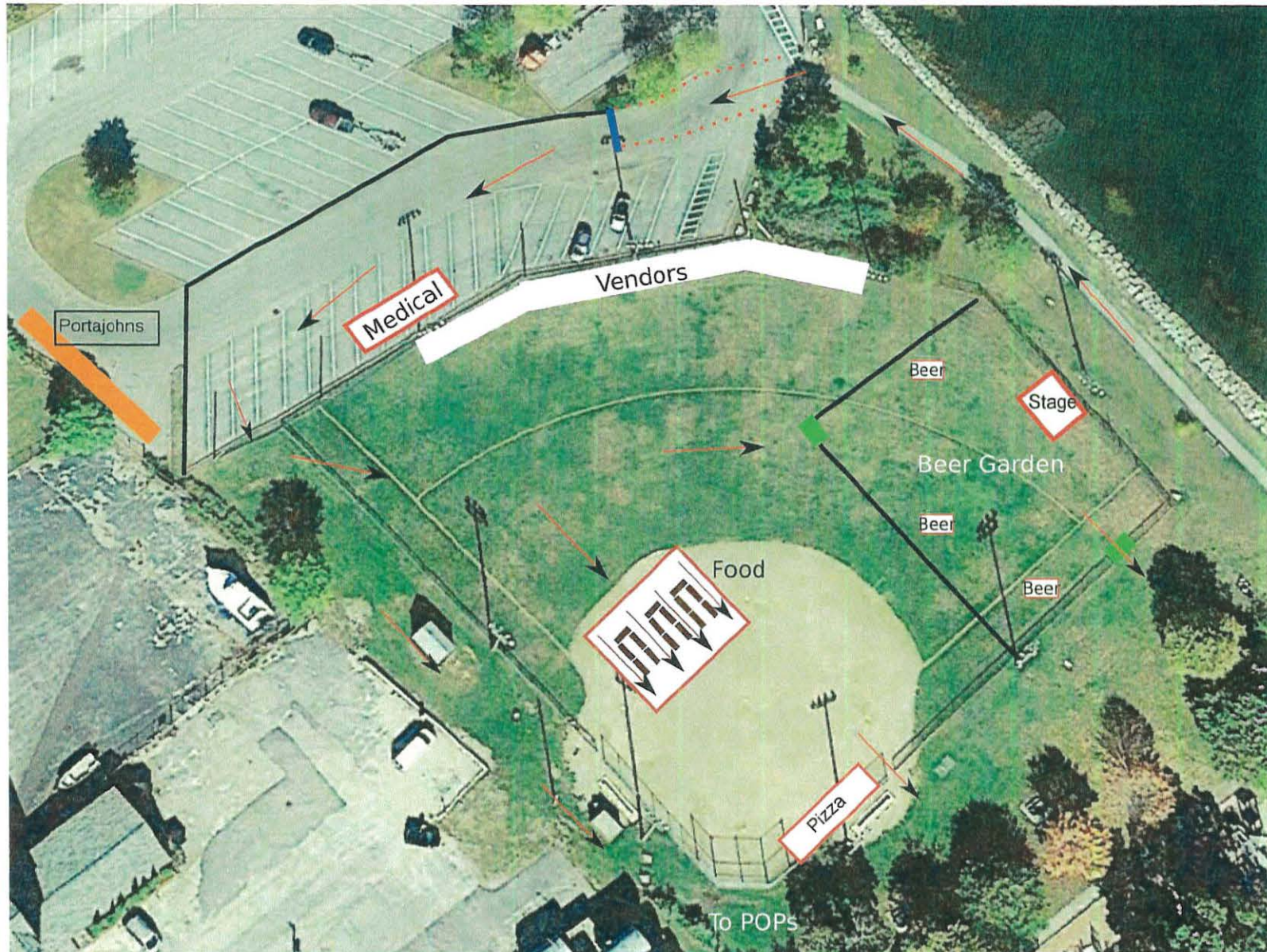


Newburyport  
 Half Marathon  
 Sunday,  
 October ~~25~~, 2015 *23rd, 2016*

# Finish Area



Prepared by:  
**DMSE**  
 DAVE MCGILLIVRAY SPORTS ENTERPRISES  
**SPORTS**  
 v. 09/09/2015





## Arthur S. Page Insurance

57 State Street · PO Box 391  
Newburyport MA 01950

Phone (978) 465-5301 · Fax (978) 462-0890

[www.ArthurPage.com](http://www.ArthurPage.com)

May 26, 2016

Green Stride Newburyport Half  
Eli Bailin  
55 Prospect St.  
Amesbury, MA 01950

Dear City of Newburyport,

For the past five years Page Insurance has insured Eli Bailin and the Green Stride Newburyport Half Marathon. As part of this insurance we will name the City of Newburyport as additional Insured.

Where the date of the next race is potentially going to be October 23, 2016 it is too early to obtain insurance. When the race is within a month away we will work with Eli to obtain coverage for 1million to protect himself along with the City of Newburyport.

If you have any questions please feel free to contact me directly. I have added a copy of last year's coverage for your review.

Sincerely,

Jacqueline Page  
[Jackie@arthurpage.com](mailto:Jackie@arthurpage.com)



**APPOINTMENTS  
FIRST READING**



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

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

To: President and Members of the  
City Council

From: Donna D. Holaday, Mayor

Date: June 7, 2016

Subject: Appointment

A handwritten signature in cursive script, appearing to read "Donna D. Holaday", written over the "From:" line.

---

I hereby appoint, subject to your approval, the following named individuals as Special Police Officers with the Newburyport Police Department to assist the Police Department in special details and summer help.

Robert Padellaro  
17 56<sup>th</sup> Street  
Newburyport, MA 01950

Michael Falite  
4 Caitlin Circle  
Salisbury, MA 01952



# CITY OF NEWBURYPORT

## POLICE DEPARTMENT

MARK R. MURRAY  
CITY MARSHAL

4 GREEN STREET  
NEWBURYPORT, MA 01950

TEL: 978-462-4411  
FAX: 978-462-0396

TO: Mayor Donna Holaday  
FR: Marshal Mark Murray  
DATE: June 2, 2016  
RE: Special Police Appointment

Mayor,

I'm requesting the appointment of 2 special police officers to assist the police department in special details and summer help. They are well trained and are pursuing careers in law enforcement.

Our special police roster is limited, with older officers no longer able to continue this work. In the last year we lost some officers to age, illness or death. Having these officers will be a benefit to the police department's ability to meet the demand of traffic officers.

Both these officers have attended the 242 hour reserve academy and are certified reserve police officers in the State of Massachusetts. They both are currently working as part time dispatchers for Newburyport and one of them also works for the Newburyport Harbormaster.

Robert Padellaro  
17-56<sup>th</sup> St.  
Newburyport, Ma 01950  
D.O.B. 04/03/1995

Michael Falite  
4 Caitlin Circle  
Salisbury, Ma. 01952  
D.O.B. 05/18/1993

Thank you for your consideration in this matter. If you need any additional information please let me know.

Marshal Mark Murray

Robert Padellaro  
#17-56th St.  
Newburyport, Ma 01950  
978-518-5267 / 978-499-0544

May 22, 2016

Marshal Murray  
Newburyport Police Department  
4 Green St.  
Newburyport, Ma, 01950

Dear Marshal Murray,

I am writing regarding a possible Special Police Officer position at the Newburyport Police Department. I have an interest in working for your department and would appreciate being considered as a possible candidate for a Special Police Officer position.

My skills with people are one of my best attributes. I enjoy helping people. I am very outgoing, dependable, and detail oriented. I attended the North East Regional Police Institute, taken part in the Massachusetts Standardized Field Sobriety Test course, and have over two hundred hours of internship experience with the Lawrence Police Department. Additionally, I have three years of experience as an Assistant Harbormaster and Special Police officer with the City of Newburyport's Harbor Patrol.

Attached is a copy of my resume. Please feel free to contact me at your convenience. Thank you for your time and consideration. I will follow up with the Newburyport Police Department in a few days.

Regards,



Robert Padellaro

# Robert Padellaro

#17-56th St

Newburyport, Ma, 01950

978-518-5267

rpadellaro@gmail.com

## WORK EXPERIENCE

### CITY OF NEWBURYPORT

Assistant Harbormaster June 2013 - Present

- Patrol the waters of Newburyport. Educate boaters on safety. First Responder in the case of an emergency.
- I was hired in 2013 as a lot attendant to collect fees for parking and assist boaters with launching and hauling their vessels at the public boat ramp.

### STARBOARD GALLEY RESTAURANT

Barback June 2011 - September 2013

- I was hired as a busboy in 2011. After returning in the summer of 2012 I was promoted to prep cook and fry cook. After returning in the summer of 2013 I was promoted to barback where I assisted the bartender.

### CITY OF NEWBURYPORT

Part time Police Dispatcher January 2016 - Present

- Answer phone calls on emergency and non emergency lines.
- Dispatch police to incoming calls, as well as notify fire and EMS of emergencies.
- Assist walk-in customers, with questions and concerns. Find an officer to speak with the customer.

## EDUCATION

### Newburyport High School

*High School Diploma, June 2013*

### Northern Essex Community College

*Associates Degree in Criminal Justice, May 2015*

### University of Massachusetts Lowell

*Bachelor's Degree in Criminal Justice - Currently Enrolled*



## **ADDITIONAL SKILLS**

- In September of 2013 I was accepted into the North East Regional Police Institute (NERPI), a 242 hour Police academy. In June of 2014 I graduated second in the class of 40 officers, receiving the academic achievement award. During the NERPI program, I was taught criminal law, constitutional law, first responder, defensive tactics, and motor vehicle law. Currently I am a certified reserve police officer in the state of Massachusetts .
- In January of 2014, I became a member of the Massachusetts Harbormaster Association. The MHA offers the Harbormaster Training Program. I have completed six of the mandatory twelve programs offered by the MHA.
- In June of 2014 I enrolled in a 24 hour Standardized Field Sobriety Test, SFST, class at Rowley Police Department. The SFST program offered covered Operation under the influence of alcohol and drugs. I was instructed on how to properly administer the four standardized tests approved by the state.
- Over 200 Hours of ride along and internship experience with City Of Lawrence Police Department early night shift.
- Certified in Vesta Pallas E911 for police dispatchers.

Marshal Mark Murray  
Newburyport Police Department  
4 Green Street  
Newburyport, MA 01950  
March 2, 2016

Dear Marshal Murray,

I am writing this letter to express my strong interest for the position as a Special Police Officer for the City of Newburyport. Since July I have worked as a dispatcher and prior to that I was an intern for three months. By working in the communications center since July, it has provided me with a great stepping-stone towards my goal of becoming a Police Officer. I have developed the skills to work in high volume situations, prioritize emergencies and responses, and communicate with officers. This experience has prepared me for situations Police Officers face in the field on a daily basis.

I attended M.L.E.T.A. Reserve Police Academy and received my Reserve Certificate in January. By completing this Academy, I hold all certifications necessary to become a Reserve Police Officer in Massachusetts. In January, I was hired as a Special Police Officer for the Town of Salisbury. I believe with this training and the knowledge I have gained through dispatching, I can be a great asset to your department.

By working with your department already, I hope you have found that I am a dedicated, reliable worker, striving to not only succeed at the task at hand, but to also make a difference. I am very detail-oriented, conscientious and professional. Your department has already exceeded my expectations and provided me with amazing opportunities. I believe I am ready to accept the responsibilities and duties of a Special Police Officer and appreciate consideration for this position.

I would like to express my appreciation for giving me the opportunity to become part of your department. I look forward to hearing from you. Enclosed please find my resume. I can be reached at 978-518-5494, or at [m\\_falite@salemstate.edu](mailto:m_falite@salemstate.edu).

Sincerely,

Michael Falite

4 Caitlin Circle  
Salisbury, MA 01952  
978-518-5494  
[m\\_falite@salemstate.edu](mailto:m_falite@salemstate.edu)

**Michael Falite**  
4 Caitlin Circle  
Salisbury, MA 01952  
978-518-5494  
[m\\_falite@salemstate.edu](mailto:m_falite@salemstate.edu)

---

### **Objective**

To secure a career in the Law Enforcement field.

### **Work Experience**

#### ***Salisbury Police Department***

Salisbury, MA

May 2015- present

*Job Title:* Special Police Officer, E-911 Dispatcher

- Emergency 911 Telecommunicator, dispatch officers, provide service to walk-ins, multi-task during high volume situations, and enter information into IMC.
- Have full responsibilities and duties of a Police officer for the Town of Salisbury. Answer calls for service, enforce traffic laws, assist public, conduct arrests.

#### ***Newburyport Police Department***

Newburyport, MA

July 2015- present

*Job Title:* E-911 Dispatcher

- Emergency 911 call taker, dispatch officers, provide cell checks for prisoners, assist walk-ins, and enter and update information in IMC.

#### ***Newburyport Police Department***

Newburyport, MA

February 2011- May 2015

*Job Title:* Intern

- Responsibilities include working with dispatchers and officers during their daily operations.

#### ***Panera Bread***

Newburyport, MA

January 2011- May 2015

*Job Title:* Associate Trainer

- Responsibilities include, training employees in new areas around the Café, taking on managerial duties when necessary, and setting an example for others by being held at a higher standard.

### **Education**

Bachelor of Science, 2015 Salem State University, Salem, MA

Major: Criminal Justice with a concentration in Administration



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

60 PLEASANT STREET - P.O. Box 55016 JUN - 11 A  
NEWBURYPORT, MA 01950  
978-465-4413 PHONE  
978-465-4402 FAX

To: President and Members of the  
City Council  
From: Donna D. Holaday, Mayor  
Date: June 6, 2016  
Subject: Re-Appointment

-----  
I hereby re-appoint, subject to your approval, the following named individual as a member of the Affordable Housing Trust. This term will expire on May 1, 2017.

Madeline Nash  
19 Arlington Street  
Newburyport, MA 01950





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

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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

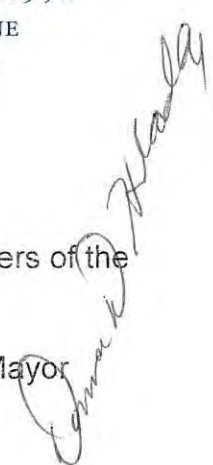
2016 JUN - 7 A

To: President and Members of the  
City Council

From: Donna D. Holaday, Mayor

Date: June 6, 2016

Subject: Re-Appointment



-----

I hereby reappoint, subject to your approval the following named individual as a member of the Newburyport Affordable Housing Trust. This term will expire on April 1, 2018.

Judy Tymon  
39 Lime Street  
Newburyport, MA 01950



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

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

RECEIVED  
CITY CLERK'S OFFICE  
3103 HAYSTACK MA

2016 JUN - 1 Δ

To: President and Members of the  
City Council

From: Donna D. Holaday, Mayor

Date: June 6, 2016

Subject: Re-Appointment

-----  
I hereby reappoint, subject to your approval the following  
named individual as a member of the Newburyport  
Affordable Housing Trust. This term will expire on June 1,  
2017.

Karen B. Wiener  
7 Lincoln Street  
Newburyport, MA 01950

**END OF CONSENT AGENDA  
BEGINNING OF REGULAR AGENDA**

## TRANSFERS



CITY OF NEWBURYPORT



---

IN CITY COUNCIL

ORDERED:

**EMERGENCY PREAMBLE**

Pursuant to Charter Section 2-9 (b) and as further defined in Section 1-7(7) an emergency exists due to the passing of a fireman and the subsequent contractual obligation of the City of Newburyport to the estate thereof.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that this transfer TRAN017\_06\_13\_16 may be voted upon at its first introduction to this Council.

Councillor Thomas F. O'Brien



# City of Newburyport

## FY 2016

### BUDGET TRANSFER REQUEST

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2016 JUN - 13 11:11

**Department:** Mayor's Office  
**Submitted by:** Mayor Donna D. Holaday      **Date Submitted:** 6/13/2016

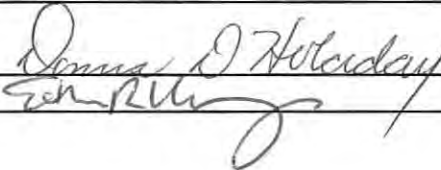
**Transfer From:**

Account Name	<u>General Fund - Free Cash</u>	YTD Bal:	\$	<u>732,119.66</u>
Account Number:	<u>01-35910</u>	Category:	\$	<u>-</u>
Amount:	<u>\$113,562.37</u>	Trans I/O:	\$	<u>(2,086,316.34)</u>
Why are Funds Available:	<u>The Massachusetts Department of Revenue certified Free Cash for FY2016 at \$2,818,436. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council. YTD balance does not reflect \$73,000.00 in pending transfer requests.</u>			

**Transfer To:**

Account Name	<u>Compensated Absences Reserve</u>	YTD Bal:	\$	<u>90,054.60</u>
Account Number:	<u>8270-49700</u>	Trans In:	\$	<u>241,835.31</u>
Amount:	<u>\$113,562.37</u>	Trans Out:	\$	<u>-</u>
Why are Funds Required:	<u>This special reserve fund was established by the City Council in FY2014 to pay City employees for compensated absences (sick time and accrued vacation) upon separation from employment, in accordance with contractual agreements. An unexpected payment has arisen due to the passing of a Newburyport firefighter, whose contract allows for the payment of 100% of accrued sick leave upon death, as well as, accrued vacation leave.</u>			

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

  
 \_\_\_\_\_  
 \_\_\_\_\_

Date: 6/7/16  
 Date: 6/7/16

**APPOINTMENTS  
SECOND READING**

**Second Reading  
APPOINTMENTS**

• APPT036_05_31_16	Sarah T. Spalding	280 High St, Nbpt	Library Board	1/1/2020
• APPT037_05_31_16	Joseph Brown	6 Cutting Dr, Nbpt	WFT	12/31/2017
• APPT038_05_31_16	Wilbur Shenk	1 Beck St, Nbpt	WFT	12/31/2018
• APPT039_05_31_16	George H. Ellison, Jr.	2A Noble St, Nbpt	WFT	12/31/2019
• APPT040_05_31_16	Steven D. Hines	54 Ferry Rd, Nbpt	WFT	12/31/2020
• APPT041_05_31_16	Scott W. Sutherland	3 Savory St, Nbpt	WFT	12/31/2016
• APPT042_05_31_16	Paul Healy	8 N St, Nbpt	Comm Preser	10/1/2019
• APPT043_05_31_16	Paul Healy	8 N St, Nbpt	Cnsrv Comm	5/31/2019
• APPT044_05_31_16	Paul Hogg	4 Coltin Dr, Nbpt	Harbormaster	5/1/2019
• APPT045_05_31_16	Donald F. Little	6 Cottage Ct, Nbpt	Comm Preser	5/1/2019
• APPT046_05_31_16	Daniel R. May	5 Lucey Dr, Nbpt	Harbor Comm	6/1/2019
• APPT047_05_31_16	Maurice Southworth	12 Fruit St, Nbpt	Fruit St	5/1/2019
• APPT048_05_31_16	David B. Vine	47 Marlboro St, Nbpt	Cnsrv Comm	5/31/2019
• APPT049_05_31_16	Daniel P. Warchol	47 Plummer Ave, Nbpt	Cnsrv Comm	6/1/2019
• APPT050_05_31_16	Sarah M. White	349 High St, Nbpt	Hist Comm	10/1/2018



# ORDERS

CITY OF NEWBURYPORT



—————  
IN CITY COUNCIL

**ORDERED:**

June 13, 2016

**THAT** the City Council of the City of Newburyport hereby orders, pursuant to Code Section 13-166, that no person shall park any vehicle on the following streets or portions thereof as follows:

**Street:** Simmons Drive

**Restriction:** On the northerly side starting at a point 574 feet from North Atkinson Street running in an easterly direction for a distance of 10 feet. Meaning and intending to restrict parking in front of the walkway to 13 Simmons Drive.

**Furthermore,** the City Clerk shall add this restriction to the public list available in the Clerk's office. This list shall be updated and posted on the City of Newburyport website.

-----  
Councillor Larry G. Giunta

CITY OF NEWBURYPORT

ORDR045\_06\_13\_16



IN CITY COUNCIL

ORDERED:

EMERGENCY PREAMBLE

June 13, 2016

Pursuant to Section 2-9(b) of the Charter of the City of Newburyport there exists an emergency as further defined in Section 1-7(7) of said Charter such that immediate action is required to pass this order establishing the FY 2017 city budget.

June 13, 2016

THAT the General Fund budget for the City of Newburyport for Fiscal Year 2017 (July 1, 2016 through June 30, 2017) be approved in the amount of \$ \_\_\_\_\_, and \$ \_\_\_\_\_ of this amount is established as a School Department Budget for Fiscal Year 2017.

The following Enterprise Fund budgets for Fiscal Year 2017 are also approved as follows:

- Water Enterprise Fund \$
- Sewer Enterprise Fund \$
- Harbormaster Enterprise Fund \$

The above approved budget represents the budget submitted by Mayor Holaday on May 9, 2017 as amended.

\_\_\_\_\_  
President Thomas F. O'Brien

\_\_\_\_\_  
Councillor Edward C. Cameron

\_\_\_\_\_  
Councillor Barry N. Connell

\_\_\_\_\_  
Councillor Robert J. Cronin

\_\_\_\_\_  
Councillor Jared J. Eigerman

\_\_\_\_\_  
Councillor Larry G. Giunta

\_\_\_\_\_  
Councillor Joeseph Devlin

\_\_\_\_\_  
Councillor Gregory D. Earls

\_\_\_\_\_  
Councillor Sharif Zeid

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

\_\_\_\_\_  
Councillor Bruce L. Vogel

Approve: \_\_\_\_\_  
Donna D. Holaday, Mayor

Attest: \_\_\_\_\_  
Richard B. Jones, City Clerk

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



CITY OF NEWBURYPORT



---

IN CITY COUNCIL

**ORDERED:**

June 13, 2016

**WHEREAS** Massachusetts General Laws Chapter 40, Section 5B allows municipalities to create multiple stabilization funds, assign different purposes to each, and

**WHEREAS** the Brown School neighborhood, so-called, was impacted by a special permit violation at 77 Lime Street, and

**WHEREAS** the developer, 77 Lime Dev. LLC, is seeking relief for the change in height of the structure through a modification of the existing Special Permit (2016-013) and has agreed to pay a mitigation fee of \$40,000 to the City with an additional \$10,000 to be paid to the City if the unit known at 93 Prospect Street sells for one million dollars or more upon closing, and

**NOW, THEREFORE, the CITY COUNCIL of the CITY OF NEWBURYPORT** hereby establishes and, upon receipt of said payment, appropriates said funds to the Brown School Property Fund with the designated purpose of making improvements to the site and/or surrounding neighborhood or related costs thereto with the approval of the Mayor and City Council in accordance with MGL Ch. 40, Sec. 5B.

---

Councillor Jared J. Eigerman

---

Councillor Charles F. Tontar



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

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

Ed Ramsdell, Chair  
Zoning Board of Appeals  
60 Pleasant St.  
Newburyport, MA 01950

May 3, 2016

Dear Mr. Ramsdell,

On April 12, 2016 the Zoning Board of Appeals (ZBA) heard a request from the 77 Lime St. property developers to modify the existing Special Permit (2016-013). The issue before the ZBA was that the Gambrel structure was built to height 27' 5" instead of 26' 3" as shown on the approved plans. The developer, 77 Lime Dev. LLC is seeking relief for the change in height through modification of the existing Special Permit.

Following testimony from the developer and public comments, the ZBA discussed the facts related to the removal of the roof to reduce the height to the approved plan. It was acknowledged that it would be costly to reduce the height based upon the estimate of \$120,000 to \$130,000 and the fact that the developer offered an alternative mitigation which should be discussed. The developer proposed that \$15,000 would be donated to the Newburyport Preservation Trust and \$15,000 would be donated to the restoration project of the Unitarian Church Steeple. The ZBA requested that the developer meet with the mayor to discuss an appropriate mitigation and report back to the Zoning Board relative to any discussions and/or resolutions with regards to the mitigation.

A meeting was held on April 26th, 2016 with the developers and their Attorney Lisa Mead for the purpose of this discussion. The Preservation Trust reported that they have no interest in receiving the \$15,000 in suggested funding and the City prefers a more direct benefit to the Lime St. neighborhood than a donation to the steeple project. The parties finally agreed to the following:

1. The window replacement on the original building would be completed prior to the May ZBA meeting noting the roofline prohibits one of the requested windows to be replaced. This work will be directly approved by the Building Commissioner. (While I agree this was not part of the direction of the Zoning Board, nor do I as mayor have any authority over the enforcement of the permits, given that the developer had agreed with the Zoning Board that this would occur, the developer and I thought it should be reiterated here.)
2. A mitigation fee of \$40,000 with a potential additional \$10,000 to be paid to the City to be used to benefit the South End neighborhood surrounding the Lime St. property as follows: \$40,000 will be paid

to the City upon the closing of the unit known at 93 Prospect and if that unit is sold for one million dollars or more then, \$10,000 will be paid to the City at the same time.

3. Developer will work with the City to resolve and complete the fencing between the Gambrel at 77 Lime St. and the Brown Youth Center.

Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

  
Donna D. Holaday  
Mayor



CITY OF NEWBURYPORT  
 ZONING BOARD OF APPEALS  
 60 PLEASANT STREET • P.O. BOX 550  
 NEWBURYPORT, MA 01950  
 (978) 465-4400 • (978) 465-4452 (FAX)  
 WWW.CITYOFNEWBURYPORT.COM

RECORD OF PROCEEDINGS AND DECISION FOR  
 A SPECIAL PERMIT FOR NON-CONFORMITIES

An application for a Special Permit for Non-Conformities was filed by:

**Lime Dev. LLC c/o Blatman, Bobrowski, Mead & Talerman, LLC**  
 30 Green Street  
 Newburyport, MA 01950

for property owned by Lime Dev., LLC for the following request:

*modify existing Special Permit for Non-Conformities to allow a building height with front and side elevations of 127' 5 1/4" instead of 126' 10" as shown on the approved plans*

The application was filed at the City Clerk's Office on 12/17/2015 under the Zoning Ordinance Section X-H.3 Powers of the Board and Section IX.B.2 Extension or Alteration.

The application is for the premises at 77 Lime Street in the R3 Zoning District, as indicated in the Newburyport Assessor's Office as map and parcel 21-1 and recorded in the Essex South District Registry of Deeds as Book and Page 33657-331. The newspaper notices for the public hearing were posted on 1/11/2016 and 1/18/2016 in the Newburyport Daily News.

A public hearing was held for the above application on 5/24/2016 at 7:15 p.m. at which time the Board heard the petition for a Special Permit for Non-Conformities. After the close of the hearing on 5/24/2016, upon motion made by Duncan LaBay and duly seconded by Richard Goulet, the Board voted to APPROVE the petition for the Special Permit for Non-Conformities.

The following members present and voting, and voting as follows with respect to the petition:

Robert Ciampitti	<u>Absent</u>	Duncan LaBay	<u>Yes</u>
Jamie Pennington	<u>Yes</u>	Richard Goulet	<u>Yes</u>
Edward Ramsdell, Chair	<u>Yes</u>	Renee Bourdeau, Associate	<u>Not Voting</u>

Having received the necessary two-thirds super majority vote or all the members of the ZBA, in accordance with M.G.L. c.40A, Section 9, as adopted, the petition for the Special Permit for Non-Conformities was therefore APPROVED.

FINDINGS

After the public hearing, in accordance with the criteria set forth in the City of Newburyport Zoning



Ordinance Section IX.B Extension or Alteration, the Newburyport Zoning Board of Appeals made the following findings:

1. The applicant is seeking a SPNC to allow a building height with front and side elevations of 127'-5 ¼" instead of 126'-10" as shown on the previously-approved plans.
2. At a hearing in January the Board requested to be able to view what the structure would look like if the current structure's roof height was reduced to that called out on the approved plans. This would aid the Board in determining the impact of the height and architecture on the abutting properties and character of the neighborhood. In a continuation of the hearing held on April the applicant presented 3 options - 1. The top of the roof is taken off so the mean height comes into compliance. The applicant was not considering this option, as it is not aesthetically pleasing. 2. A portion of the roof would be taken off, leaving 2' on side gables. Rails would be added to give the look of a 'widow's walk and 3. Reduce the roof in height by removing pitch and replacing with a shallower pitch and lowering the eaves. The Board was disinclined to approve these proposals. Also during the April hearing the applicant raised the possibility of making some contribution to local preservation options as an option. The Board again suggested that the applicant seek an continuance and further explore options. The applicant then requested a continuance to 24 May 2016 and this was granted.
3. At the May 24 hearing the applicant proposed a payment in mitigation to the City of \$40,000 to be used to benefit the neighborhood of the structure and an additional \$10,000 if the structure sells for \$1 million or more - these payments due upon closing of the unit known as 93 Prospect Street. Additionally the applicant will work with City to resolve and complete the fencing between 77 Lime Street and the Brown Youth Center.
4. All the existing non-conformities are remaining the same with the allowance in height increase from the original plans as requested.
5. Evidence was presented and the Board found that the proposed change continues to be in conformity with the neighborhood and will not be substantially more detrimental to the neighborhood than the pre-existing non-conforming structure originally proposed when the benefits of the offered mitigation to the City and the neighborhood are considered.

## CONDITIONS OF APPROVAL

The following conditions do not limit any other rights and remedies the City of Newburyport may have.

1. This Special Permit for Non-Conformities shall not take effect until a copy of this decision bearing the certification of the City Clerk is recorded in the Essex South Registry of Deeds or is recorded and noted on the owner's certificate of title. The fee for recording or registering shall be paid by the owner or applicant.
2. This special permit will lapse after two years if a substantial use has not commenced except for good cause or, in the case of a permit for construction, if construction has not commenced except for good cause. Excluded from any lapse period is the time required to pursue or await the determination of any appeal taken pursuant to MGL, Chapter 40A, Section 17.

3. A payment in mitigation to the City of \$40,000 to be used to benefit the neighborhood and an additional \$10,000 if the structure sells for \$1 million or more - these payments due upon closing of the unit known as 93 Prospect Street. This payment(s) will be deposited into a stabilization account to be created, called the "Brown School Property Fund."

4. The applicant will work with City to resolve and complete the fencing between 77 Lime Street and the Brown Youth Center.

5. It is also noted that the window replacement in the original structure was completed prior to the May hearing date as promised by the applicant.

This decision was filed with the Newburyport City Clerk on **6/3/2016** and sent registered mail to the applicant and by regular mail to the Parties in Interest and the abutting Municipalities.

Undersigned Chair of the Zoning Board of Appeals,

  
Edward L. Ramsdell

Date: 6/3/2016

#### CERTIFICATION OF CITY CLERK

I, Richard Jones, City Clerk of the City of Newburyport, hereby certify pursuant to M.G.L. Chapter 40A, Section 17, that the decision for the property known as **77 Lime Street** was filed in the Office of the City Clerk on **6/3/2016**.

Pursuant to M.G.L. Chapter 40A, Section 11 this decision was also filed with the Newburyport Planning Board on **6/3/2016**.

Twenty (20) days have elapsed since the decision was filed and **NO APPEAL** has been filed. Appeals shall be made pursuant to M.G.L. Chapter 40A, Section 17 and filed within (20) twenty days after the date of filing of this decision in the Office of the City Clerk.

\_\_\_\_\_  
Newburyport City Clerk

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

CITY OF NEWBURYPORT



---

IN CITY COUNCIL

ORDERED:

June 7, 2016

**AN ORDER AMENDING CITY COUNCIL RULES RELATING TO REQUIREMENT OF APPRAISAL PRIOR TO VOTING ON PURCHASE OR DISPOSAL OF REAL PROPERTY:**

BE IT ORDERED, that:

The following shall be inserted into the Newburyport City Council Rules, section titled "REMOVING AN ITEM FROM COMMITTEE":

7D. For any committee item relating to the disposition of real property, including, without limitation, purchase or sale, an appraisal of the fair market value of said real property, performed by a duly licensed professional based upon the requirements and guidelines of the current Uniform Standards of Professional Appraisal Practice (USPAP), shall be presented to the Council no fewer than seven (7) calendar days before such committee item can be brought to the floor. The appraisal must be dated within twelve (12) calendar months of the date the relevant item is removed from committee. The appraisal may be presented in Executive Session and/or may otherwise remain confidential in accordance with the City's Charter, and applicable law.

---

Councillor Sharif I. Zeid

---

Councillor Jared J. Eigerman

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 7<sup>th</sup>, 2016

**AN ORDER RELATING TO RESIDENTIAL PROPERTY OWNER REPLACEMENT OF CITY-OWNED SIDEWALKS**

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

**WHEREAS**, The City desires to be a pedestrian-friendly, encouraging visitors and residents to walk whenever possible

**WHEREAS**, The City desires to be a green community reducing carbon-emissions

**WHEREAS**, The City recognizes the importance of continued improvement of its sidewalks for

**WHEREAS**, Sidewalks play a critical role in public safety, walkability, and aesthetics of the City

**WHEREAS**, The City expresses its gratitude to residents who choose to take it upon themselves to repair or replace sidewalks throughout the City

**WHEREAS**, The ultimate goal is to replace as many sidewalks as possible as soon as possible

NOW, THEREFORE, BE IT ORDERED, that:

1. The City of Newburyport establish a Sidewalk Improvement Fund (herein referred to as "The Program") that shall be funded annually with a minimum of \$10,000. While the funding source is not specified, it is intended that funds would be allocated from the portion of Meals tax currently spent on sidewalks and other street improvements. Said fund will be used for the express purpose of rebating residential property owners that replace directly abutting City owned sidewalks, subject to the following terms, conditions, and process:

- A) Rebates are available on a first come, first serve basis subject to availability of funds in The Program for the current fiscal year.



- B) The minimum sidewalk replacement length shall be 15 feet. Replacements of less than this length are automatically disqualified from this program
- C) To be eligible the residential property owner must:
- a. *For residences with one abutting sidewalk* - replace the entire abutting sidewalk, subject to the minimum length above
  - b. *For corner and other residences with more than one abutting sidewalk* - replace a minimum of one total side, subject to the minimum length above
- D) This program does not apply to any sidewalk being replaced as a condition of a Special Permit or zoning variance
- E) The reimbursement amount shall be \$500.00 per project.
- F) A residential property (as defined by street address) shall be eligible for rebates as follows:
- a. *For residences with one abutting sidewalk* - eligible for one rebate per 25 year period, subject to the other eligibility requirements above.
  - b. *For corner and other residences with more than one abutting sidewalk side* - eligible for one rebate per side per 25 year period, subject to the other eligibility requirements above.
- G) The program may be ended at any time by City Council Order
- H) The process shall for the program shall be as follows:

Step 1: The residential property owner initiates a request by contact the Department of Public Services (“DPS”) a minimum of 60 days before the work is to begin. Requests may be made any time of year but must be made at a time when the sidewalk is completely clear of snow, ice, and any other debris so that the sidewalk is clearly visible and can be inspected.

Step 2: DPS shall schedule a site visit to determine the current condition of the sidewalk. DPS shall, at its sole discretion, determine the applicability of the reimbursement fund. The condition of the current sidewalk shall be the primary driver of determination of applicability. Decisions made by the DPS are final.

Step 3: Upon approval, the residential property owner has 100 days to proceed with the work during which time the rebate is guaranteed. All work must be completed in accordance with Federal, State, and Local laws. This includes the Newburyport Sidewalk Specifications and with materials deemed appropriate by Newburyport Ordinance. The homeowner may also choose to take advantage of the “Neighborly Program”, if in effect at that the time of application, wherein the DPS can remove and dispose of any existing sidewalk material as well as reset the curbs at no cost to the property owner.

Step 4: Upon completion, the residential property owner shall contact DPS for a final inspection. Upon passage of the inspection by the DPS, the DPS shall notify the tax collector to create the credit on the next tax bill. The residential property owner shall then be eligible for a rebate which will be issued as a reduction to the residential property’s next tax bill. In the case of multiple ownerships (e.g. Condominium), the credit shall be apportioned equally amongst each unit.

- I) The aforementioned 4 step process must begin and end entirely within a fiscal year (July to June)

- J) All curb work, if any is required, must be completed by the DPS.
- K) All decisions made by the DPS, without exception, are considered final and are not appealable

---

Councillor Sharif I. Zeid

---

Councillor Larry G. Giunta, Jr.

---

Councillor Joseph H. Devlin

## CITY OF NEWBURYPORT



IN CITY COUNCIL

June 13, 2016

## ORDERED:

THAT, the city establish revolving funds for certain city departments under M.G.L. Chapter 44, §53E1/2 for the fiscal year beginning July 1, 2016, with the specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year, as follows:

Code	Revolving Fund	Authorized to Spend	Revenue Source	Use of Fund	FY17 Spending Limit <sup>1</sup>
2801	Engineering Services	Director of Planning & Development	Charges to developers who have applications before the City in an amount equal to the cost of acquiring the professional service	Expenses associated with the engagement, by the City, of engineers, architects, and other professionals qualified to evaluate various aspects of development projects and to advise the City accordingly	\$100,000
2802	Council on Aging	Director of Council on Aging	Program fees	Senior citizen programs	\$50,000
2803	Recreational Services	Director of Youth Services	Program fees	Funds recreational services in the City including program supplies, materials and equipment, class instructor fees, fees for reservations and tickets related to trips and functions, and other costs related to the provisions of recreational services	\$400,000
2804	Historical Commission	Director of Planning & Development	Application fees	Administration of the Historical Commission operations, including office supplies and technical assistance	\$10,000
2806	Electrical Inspector	Building Commissioner	Electrical permit fees	Electrical Inspector's salary and related expenses	\$105,000
2807	Plumbing Inspector	Building Commissioner	Plumbing permit fees	Plumbing Inspector's salary and related expenses	\$60,000
2808	Gas Inspector	Building Commissioner	Gas permit fees	Gas Inspector's salary and related expenses	\$50,000
2809	Disabilities Commission	ADA Coordinator	Handicapped parking fines	Assist the Commission on Disabilities in their efforts to advise, assist, research, coordinate, review and make policy recommendations, provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability; and to coordinate activities of other local groups organized for similar purposes	\$25,000
2810	Emma Andrews Library	Director of Public Services	Income received from the rental of the apartment located on the second floor of the South End Branch Library, commonly known as the Emma Andrews Library	Expenses associated with building maintenance, repairs, renovations, upkeep and security	\$35,000
2811	M-School Drop-in Center	Director of Youth Services	Fees and voluntary payments received from the general public, private corporations and charitable foundations	Expenses associated with the operation of the Drop-In Center, including staff salaries, equipment, materials, supplies and other costs related to the Drop-In Center programs and activities	\$100,000
2812	Transient Vendors	Director of Public Health	License fees	Maintain City streets, ways, parks, walkways and other public areas throughout the City, as well as, City expenses associated with carrying out holiday celebrations, special activities and other public events	\$40,000

<u>Code</u>	<u>Revolving Fund</u>	<u>Authorized to Spend</u>	<u>Revenue Source</u>	<u>Use of Fund</u>	<u>FY17 Spending Limit<sup>1</sup></u>
2813	Planning & Zoning	Director of Planning & Development	Planning and zoning service and application fees	Planning and zoning related purposes including consultant's fees, legal expenses and other costs associated with project reviews and planning activities	\$75,000
2817	Animal Control	Director of Public Health	Fees and charges associated with animal control and animal shelter activities	Offset City expenses associated with carrying out animal control and animal shelter operations	\$25,000
2818	Tree Commission	Newburyport Tree Warden	Fines, voluntary payments, fees, charges, contributions, donations, grants, insurance settlements, and other payments received from private individuals, businesses, government entities, and persons or business making payment to the City for damage caused to trees located on City property	Plant, maintain, protect, and preserve public trees throughout the City in order to: contribute to the distinct character of the City; improve air quality; create habitats for wildlife, including various rare and protected species; reduce noise; provide privacy; protect soil from erosion; provide glare and heat protection; provide an aesthetic appeal that enhances property values; provides natural privacy to neighbors; and promotes civic pride and enjoyment	\$30,000
2835	Medicare/Medicaid	Director of Public Health	Reimbursements charged to the state or federal Medicare/Medicaid programs	Maintain emergency planning programs and allow response to emergencies, as well as, offset City expenses associated with carrying out Health Department activities	\$50,000
2836	Veterans Benefits	Director of Veteran's Services	Sale of grave markers, donations, gifts and grants received from the general public, government entities, private corporations, and charitable foundations	Expenses associated with goods and services benefiting veterans residing in the City and their families	\$10,000
2839	Downtown Paid Parking	City Clerk/ Parking Clerk	Parking fees, violation fines and passes	Expenses include: a) all annual operational costs of the downtown paid parking program, including, without limitation, maintenance of the parking lots' asphalt and gravel surfacing, lighting, landscaping, and snow removal, equipment, supplies and signage, and parking enforcement officers; b) monthly payments to the Newburyport Redevelopment Authority in an amount equal to its meter revenue from said East and West Lots; c) contractual payments to the Newburyport Waterfront Trust; d) annual capital reserve allocations towards cyclical replacement of revenue collection machines and re-surfacing of the asphalt parking lots; e) not less than \$50,000 per year towards the general stewardship, care, maintenance, and improvement of the downtown's public infrastructure, including but not limited to, sidewalks, curbing, stairways, lighting, trees and landscaping and entities; and f) other capital projects and general fund transfers, as determined by the Mayor and the City Council, based on the program's net income after the aforementioned expenditures have been satisfied	\$504,000
2840	City Hall Maintenance	Director of Public Services	Fees and charges paid to the City for the use and rental of City Hall facilities by outside groups, organizations and individuals	Expenses associated with City Hall maintenance, repairs, renovations, upkeep and security	\$25,000
2841	Senior Community Center Maintenance	Director of Public Services	Fees and charges paid to the City for the use and rental of the Senior Community Center	Expenses associated with maintenance, repairs, renovations, upkeep and security at the Senior Community Center	\$50,000
2842	Parks Maintenance	Parks Director	Fees and charges paid to the City for the use and rental of parks by outside groups, organizations and individuals	Expenses associated with parks maintenance, repairs, renovations, upkeep and security	\$50,000

Total Spending<sup>2</sup>

**\$1,794,000**

<sup>1</sup>FY17 per department spending limit is \$504,151 (1% of FY16 levy of \$50,415,097)

<sup>2</sup>FY17 total spending limit is \$5,041,510 (10% of FY16 levy of \$50,415,097)

Councillor Charles F. Tontar  
Chair, Budget & Finance Committee

**CITY OF NEWBURYPORT  
REVOLVING FUNDS**

FY2016 YEAR-TO-DATE ACTIVITY  
(AS OF JUNE 6, 2016)

<u>Account Name</u>	<u>Fund Code</u>	<u>Beginning Balance</u>	<u>YTD Revenue</u>	<u>YTD Expended</u>	<u>Transfers In/(Out)</u>	<u>Current Balance</u>
Engineering Services	2801	72,600.46	57,325.00	31,092.50	0.00	98,832.96
Council on Aging	2802	42,242.40	17,796.25	18,562.74	0.00	41,475.91
Recreational Services	2803	172,803.59	365,425.59	292,779.71	0.00	245,449.47
Historical Commission	2804	9,372.08	525.00	3,393.75	0.00	6,503.33
Electrical Inspector	2806	146,110.88	85,473.00	44,231.67	0.00	187,352.21
Plumbing Inspector	2807	29,600.50	41,778.00	44,936.91	0.00	26,441.59
Gas Inspector	2808	15,160.68	25,303.00	24,979.00	0.00	15,484.68
Disabilities Commission	2809	5,895.82	3,180.00	1,992.53	0.00	7,083.29
Emma Andrews Library	2810	12,030.71	16,500.00	12,079.27	0.00	16,451.44
M-School Drop-in Center	2811	16,755.30	53,317.83	36,751.68	0.00	33,321.45
Transient Vendors	2812	40,009.87	12,340.00	10,212.50	0.00	42,137.37
Planning & Zoning	2813	6,044.51	51,146.00	32,324.71	0.00	24,865.80
Animal Control	2817	11,906.76	2,165.00	1,810.78	0.00	12,260.98
Tree Commission	2818	12,333.71	0.00	4,834.60	0.00	7,499.11
Medicare/Medicaid	2835	17,006.23	9,066.88	11,710.97	0.00	14,362.14
Veterans Services	2836	2,578.73	60.00	229.90	0.00	2,408.83
Downtown Paid Parking	2839	385,210.49	600,053.87	468,270.46	0.00	516,993.90
City Hall Maintenance	2840	3,190.00	2,142.50	2,137.68	0.00	3,194.82
Senior Comm. Ctr. Maint.	2841	0.00	4,675.00	4,146.46	0.00	528.54
<b>Total Revolving Funds</b>		<b><u>\$1,000,852.72</u></b>	<b><u>\$1,348,272.92</u></b>	<b><u>\$1,046,477.82</u></b>	<b><u>\$0.00</u></b>	<b><u>\$1,302,647.82</u></b>



## ORDINANCES

ADD  
COW

CITY OF NEWBURYPORT ODNC001\_1\_25\_16



IN CITY COUNCIL

ORDERED:

JANUARY 25, 2016

A ZONING ORDINANCE TO AMEND THE NEWBURYPORT SMART GROWTH DISTRICT (SGD)

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

*Amend existing Subsection XXIX -B - Establishment & Applicability to read as follows, with deletions ~~double-stricken through~~, and additions double-underlined:*

**XXIX-B Establishment & Applicability.**

1. **Establishment:** The Smart Growth District (SGD) is hereby established as an overlay zoning district consisting of all such parcels of land depicted on a map entitled "40R Smart Growth District - Newburyport, MA," prepared by the Office of Planning and Development, and dated March 26, 2015. The Smart Growth District, hereinafter referred to as the SGD, is an overlay district having a land area of approximately 49.56 acres in size that is superimposed over the underlying zoning district(s) and is shown on the above referenced zoning map on file in the Office of the City Clerk, which is hereby made a part of the Zoning Ordinance.
2. **Underlying Zoning:** The SGD is an overlay district superimposed on all underlying zoning districts. The regulations for uses, dimensions, and all other provisions of the Zoning Ordinance governing the underlying zoning district shall remain in full force except for those Projects undergoing development pursuant to this Section. Within the boundaries of the SGD, a developer may elect either to develop a Project in accordance with the requirements of this Section, or to develop in accordance with requirements of the regulations for uses, dimensions, and all other provisions of the Zoning Ordinance governing the underlying zoning district.

3. **Applicability of SGD.** In accordance with the provisions of M.G.L. Chapter 40R and 760 CMR 59.00, an Applicant for a Project located within the SGD may seek Plan Approval in accordance with the requirements of this Section. In such case, notwithstanding anything to the contrary in this Zoning Ordinance, such application shall not be subject to any other provisions of this Zoning Ordinance, including limitations upon the issuance of building permits related to a rate of development or phased growth limitation or to a local moratorium on the issuance of such permits, or to building permit or dwelling unit limitations.
4. **Intersection of State and Parker Streets.** Notwithstanding anything to the contrary in this Zoning Ordinance, until such time as the City's Director of Public Services certifies to the City Council that U.S Route 1 has been rebuilt, reconfigured, retrofitted, or otherwise improved to ensure safe pedestrian access across U.S. Route 1 within the SGD and south of Parker Street, development of a Project pursuant to this Section shall not permitted at any of the following parcels located near the intersection of State Street and Parker Street: Parcel 34-5 (165 State Street); Parcel 34-6 (3 Parker Street); Parcel 34-9-A (4 Parker Street); Parcel 34-11 (163-165 State Street); Parcel 34-12 (161 State Street); and Parcel 34-13 (151-155 State Street).

SEN  
AHP/che

---

Councillor Robert J. Cronin

---

Councillor Jared J. Eigerman

↑ Intersection of State and Parker Streets. Notwithstanding anything to the contrary in this Zoning Ordinance, in order to ensure connectivity and walkability to the MBTA Station and Clipper City Rail Trail from the following six parcels located near the intersection of State Street and Parker Street, no certificate of occupancy for a Project approved under this Section at any such parcel shall issue until safe pedestrian crossings are in operation across both State Street and U.S. Route 1, at or southerly of Parker Street and within the SGD: Parcel 34-5 (165 State Street); Parcel 34-6 (3 Parker Street); Parcel 34-9-A (4 Parker Street); Parcel 34-11 (163-165 State Street); Parcel 34-12 (161 State Street); and Parcel 34-13 (151-155 State Street).

## CITY OF NEWBURYPORT




---

 IN CITY COUNCIL

ORDERED:

January 25, 2016

## AN ORDINANCE TO AMEND FEES FOR NUISANCE ISSUES RELATED TO DOGS

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

Chapter 3                      Animals  
 Article II                     Dogs

Amend Section 3-28(b) regarding nuisance issues, with deletions ~~double-stricken through~~, and additions double-underlined:

(b) Animal behavior which constitutes a nuisance includes, but is not limited to the following: vicious disposition, molesting passerby's or passing vehicles (including bicycles, etc.), attacking persons or domestic animals, damaging ~~or soiling~~ public or private property, barking, whining, or howling in an excessive or continuous, ~~or untimely~~ fashion shall be subject to the following fine schedule, upon investigation of the animal control officer or a police officer.

- (1) First offense .....~~\$15.00~~ \$25.00
- (2) Second offense .....~~25.00~~ \$50.00
- (3) Third and subsequent offenses .....~~50.00~~ \$100.00

---

 Councilor Charles F. Tontar

---

 Councilor Bruce L. Vogel

In City Council January 25, 2016:

**Motion to refer to Budget & Finance and License & Permits by Councilor Vogel, seconded by Councilor Earls. 10 yes, 1 no (O'Brien). So voted.**

*Tom BV*

*Ann BV*



In City Council February 11, 2016:

**Motion to remove by Councillor Tontar, seconded by Councillor Zeid, 8Y, 2N (RC, JD)**

**Motion to approve by Councillor Tontar, seconded by Councillor Vogel, Withdrawn**

**Motion to refer to L&P by Councillor Tontar seconded by Councillor Cronin, So Voted.**

pkd

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 8, 2016

**AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEWBURYPORT, MASSACHUSETTS**

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

***Zoning Ordinance Amendment:***

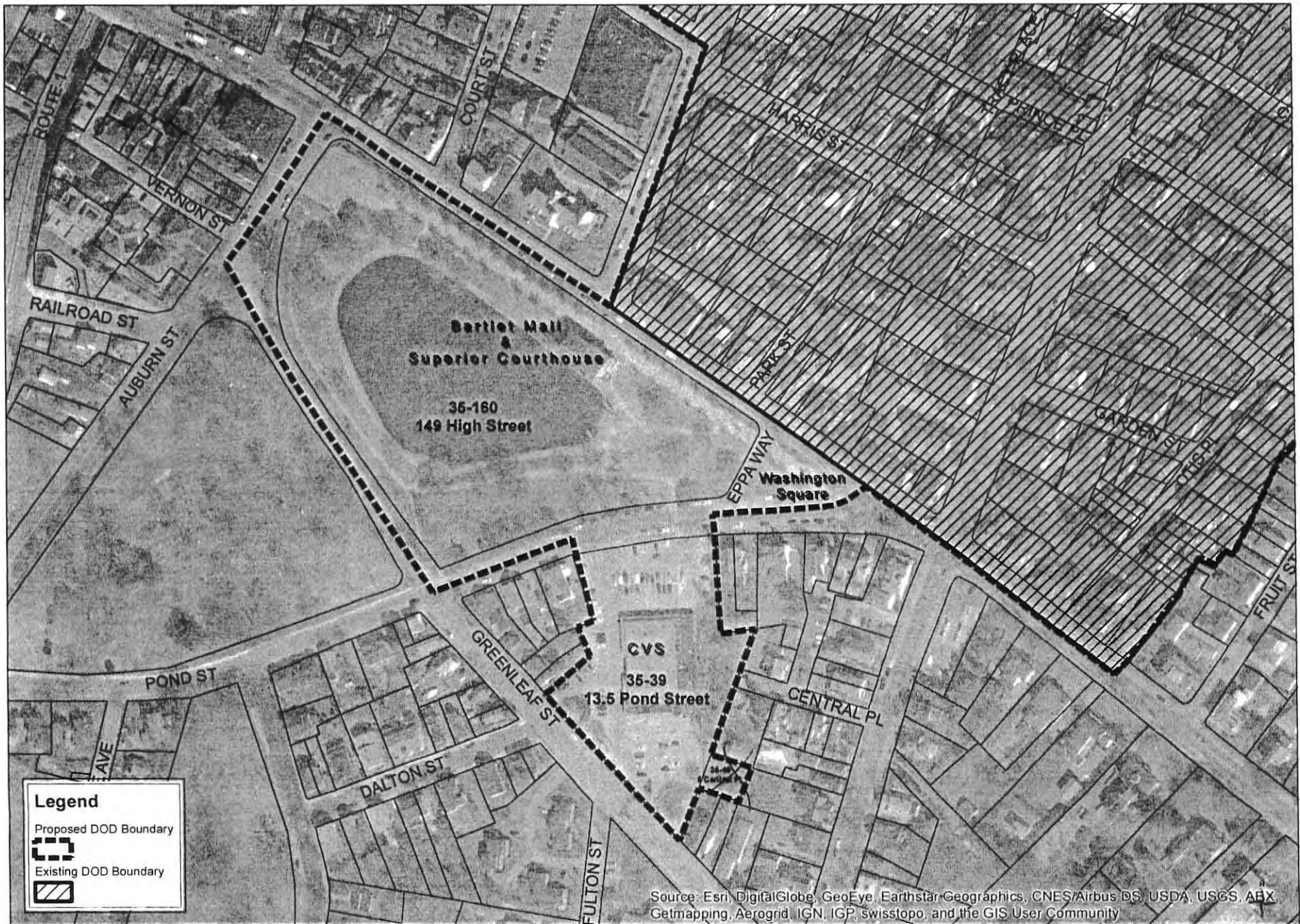
**APPENDIX A: ZONING ORDINANCE OF THE CITY OF NEWBURYPORT**

**Section III-C: Zoning Map.**

**THAT** the Zoning Map of said Zoning Ordinance entitled "Zoning Map of the City of Newburyport" be amended pursuant to Section III-D "Changes to Zoning Map" such that the Downtown Overlay District (Section XXVII) is expanded to include Parcels 35-39 (13.5 Pond Street), 35-40 (5 Central Place), and 35-160 (149 High Street), and all other land, as depicted on the attached map entitled "DOD Zoning Map Change – Proposed," prepared by the Office of Planning & Development, and dated February 8, 2016.

\_\_\_\_\_  
Councillor Robert J. Cronin

\_\_\_\_\_  
Councillor Jared J. Eigerman



DOD Zoning Map Change - Proposed  
February 8, 2016

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

APRIL 11, 2016

A ZONING ORDINANCE TO IMPROVE RECORD-KEEPING AND COORDINATION

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

Amend existing Section X-C.3., as follows, with deletions ~~double stricken through~~, and additions double-underlined:

3. Records. The inspector of buildings shall maintain a permanent public record of all matters considered, ~~and~~ all action taken by ~~him~~ his or her office. ~~All~~ and such records, as well as the permanent public record of all matters considered and all action taken pursuant to this zoning ordinance, or chapters 5, 12 or 16 of the Newburyport Code, by any city official, board, commission, or department and maintained by it, shall be deemed to form a part of the records of ~~his office~~ the inspector of buildings.

An individual permanent file for each application by street address for a permit provided for by this ordinance shall be established at the time the application is made. Said file shall contain one (1) copy of the application and all supporting documents, maps, and plans; notations regarding pertinent dates and fees, and the like; as appropriate, one (1) copy of the ~~resolution~~ written decisions (including any associated drawings and specifications) by of the board of appeals any city official, board, commission, or department ~~is~~ acting on the application; and the date the permit applied for was issued or denied by the inspector of buildings.

Amend existing Section X-D. -- Permits, as follows, with deletions ~~double stricken through~~, and additions double-underlined:

X-D. - Permits.

It shall be unlawful for any owner or person to erect, construct, reconstruct, or alter a structure, including a sign, or change the use or lot coverage, increase the intensity of use, or extend or displace the use of any building, or the structure of lot without applying for and receiving from the inspector of buildings the required building permit therefore. For purposes of administration, such permit and application procedure involving a structure may be made at the same time and combined with the permit required under the building code.

Handwritten signatures and initials: Sam, EC/SZ, Ann, EC/SZ

Handwritten notes: PERM, Jc, S!

Handwritten notes at bottom right: 10/1/16, 10/1/16, 10/1/16



RELEVANT

in the public record  
as set out in the PBK  
or ESDD

An application for a permit shall be accompanied by a plan as outlined in section XVII-B, as well as complete copies of any written decisions (including any associated drawings and specifications) issued by any city official, board, commission, or department pursuant to this zoning ordinance, or chapters 5, 12 or 16 of the Newburyport Code, and applicable to a lot where work proposed under such permit is to occur. The inspector of buildings shall take action on an application for a permit, either granting the permit or disapproving the application, within thirty (30) days of receipt of the application.

No permit shall be issued under this section if the building, structure or lot as constructed, altered, relocated or used would be in violation of any provision of this ordinance, including, without limitation, all conditions, provisos, and design details (including as shown on any associated drawings or specifications) required through action by any city official, board, commission, or department pursuant to this zoning ordinance, or chapters 5, 12 or 16 of the Newburyport Code, and applicable to a lot where work proposed under such permit is to occur. Whenever such permit or license is refused because of some provisions of this ordinance, the reason therefore shall be clearly stated in writing.

*Certificate of occupancy.* No building hereafter erected, altered substantially in its use, or extent, or relocated shall be used or occupied, and no change shall be made of the use of any building or of any parcel of land, unless a certificate of occupancy signed by the inspector of buildings has been granted to the owner or occupant of such land or building. Such certificate shall not be granted unless the proposed use of the land and building and all accessory uses comply in all respects with this ordinance, including, without limitation, all conditions, provisos, and design details (including as shown on any associated drawings or specifications) required through action by any city official, board, commission, or department pursuant to this zoning ordinance, or chapters 5, 12 or 16 of the Newburyport Code, and applicable to a lot where work proposed under such permit is to occur, and no use shall be made of such land or building that is not authorized by such certificate of occupancy.

Applications for certificates of occupancy and compliance shall be filed ~~coincident with the application for building permits and~~ after construction is substantially complete and prior to occupancy. A certificate of occupancy shall be issued or refused in writing for cause within five (5) days after the inspector of buildings has been notified in writing by registered mail that the erection or alteration of such buildings has been completed. Failure of the inspector of buildings to act within five (5) business days of receipt of said notification shall be deemed to constitute approval of the application for a certificate of occupancy. Buildings accessory to dwellings when completed at the same time shall not require a separate certificate of occupancy. Pending the issuance of a regular certificate, a temporary certificate may be issued for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building, pending its completion. No temporary certificate shall be issued prior to its completion if the building fails to conform to the provisions of the building code and state laws or of this ordinance to such a degree as to render it unsafe for the occupancy proposed.

*Amend existing Section XVII-C. - Plans to accompany building permits, as follows, with deletions ~~double-stricken through~~, and additions double-underlined:*

#### XVII-C. - Plans to accompany building permits.

Accurately drawn plans, showing the actual shape and dimensions of the lot to be built upon, the exact location and size of all buildings or structures already on the lot, the location of new buildings or structures to be constructed, together with the lines within which all buildings or structures are to be



erected, the existing and intended use of each building or structure and such other information as may be necessary to provide for the execution and enforcement of this ordinance shall be submitted with all applications for a building permit. All such plans shall comply with all conditions, provisos, and design details (including as shown on any associated drawings or specifications) required through action by any city official, board, commission, or department pursuant to this zoning ordinance, or chapters 5, 12 or 16 of the Newburyport Code, and applicable to a lot where work proposed under such permit is to occur. It shall be the duty of the applicant to update all such plans accordingly before final permit approval.

---

Councillor Jared J. Eigerman

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

April 25, 2016

AN AMENDMENT TO THE ORDINANCE ESTABLISHING THE COMMISSION ON DIVERSITY AND TOLERANCE

Amend Section 2-125b regarding the establishment of diversity and tolerance commission, membership, term, officers, administration, with additions double-underlined and deletions ~~double-stricken through~~, all other text unchanged;

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

- Chapter 2 Administration
- Article III Boards, Committees and Commissions
- Division 6 ~~Commission on Diversity and Tolerance~~ Human Rights Commission

**Sec. 2-125b. - Establishment of ~~diversity and tolerance~~ human rights commission, membership, term, officers, administration.**

In furtherance of policy espoused above there is hereby established in the City of Newburyport a municipal board to be known as the ~~Commission for Diversity and Tolerance~~ Human Rights Commission of the City of Newburyport (hereinafter referred to as the "commission"). Membership of the commission shall not exceed nine (9) members who shall serve for terms of not more than three (3) years. The members shall be appointed by the mayor, all subject to confirmation by the city council. Each member of the commission shall reside in Newburyport and shall, so far as practical, be selected to provide culturally diverse representation from fields including, but not limited to, education, religion, law, law enforcement, social services, industry, commerce, and labor.

For the initial appointments to the commission, the first three (3) appointments shall serve for a term of three (3) years; the next three appointments shall serve for a term of two (2) years; and any additional appointments shall serve for a term of one (1) year.

*Sam  
BC/EC  
AM*

*MOTION  
TO  
BV  
BC  
N+CS*

Thereafter, the mayor shall appoint each successor to his/her initial appointment to a term of three (3) years. No members of the commission may serve for more than two (2) consecutive terms. A member having served two (2) consecutive terms must remain off the commission for at least one (1) year before becoming eligible for re-appointment. Appointments to un-expired terms or initial appointments for less than three (3) years shall not be counted as a term for the person appointed. The mayor shall also appoint on an annual basis one or middle - or high school students(s) to serve as non-voting member(s) on the commission. The members of the commission shall serve without compensation.

The commission shall meet each January to elect one of its voting members as chairperson and one of its voting members as secretary/clerk, and may elect other officers from its voting membership, as it may deem necessary. In addition to this January meeting, the commission shall meet at least four (4) times a year at regular intervals. A majority of the voting members of the commission shall constitute a quorum. Any member who fails to attend three (3) consecutive regular meetings shall be considered removed from the commission.

With permission of the mayor, the city solicitor shall serve as counsel of the commission, unless a conflict of interest requires outside legal assistance. The mayor shall authorize and assign a member of his/her or a municipal agency or department's staff to serve as liaison between the commission and the mayor and to act as the communication's coordinator for the commission.

---

Bruce L. Vogel, Councillor

**COMMITTEE ITEMS**

## BUDGET & FINANCE COMMITTEE ITEMS

1. **COMM052\_05\_09\_16** – FY2017 Proposed Budget.
2. **TRAN014\_05\_31\_16** - General Fund \$10,000.00 to CCN Ordinance Recodification \$2,500.00, CCN Legal Ads \$1, 500.00, and BDR Elections \$6,000.00.
3. **TRAN015\_05\_31\_16** - Fire Fuel/Oil \$10,000.00 to Fire Maintenance \$10,000.00.
4. **TRAN016\_05\_31\_16** - General Fund \$63,000.00, Fire/Fuel Oil \$10,000.00, Fire Educational Materials \$2,000.00, to Fire Overtime \$75,000.\*
5. **ORDR037\_05\_31\_16** – Military Plate Space in Green St lot.
6. **ORDR040\_05\_31\_16** – Whittier Regional Stabilization Fund.
7. **ORDR043\_05\_31\_16** – Free Parking during Christmas Season.





CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY

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

RECEIVED  
CLERK'S OFFICE  
NEWBURYPORT, MA

2016 MAY 10 10:00 AM

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: May 3, 2016  
Subject: FY2017 Proposed Budget

*Donna D. Holaday*

I am pleased to submit, forthwith, the City of Newburyport's Proposed Budget for fiscal year 2017. The proposed budget includes funds for the general operation and maintenance of the municipal government, education and debt service. Copies of the proposed budget will be made available to Councilors at your May 9, 2016 meeting.

As we slowly emerge from these challenging economic times, we have made difficult but deliberative choices to ensure our City remains on solid financial ground. We have moved forward on long overdue infrastructure needs and are working diligently to address the growing list of streets and sidewalks in need of repair. We must also remain dedicated to rebuilding our school programs and this year's budget demonstrates my continued commitment to doing so.

Although we are presenting a budget that allows us to maintain current level of programs and services, we must continue to be vigilant in efficiently managing these resources and maximizing benefits provided across the City. The development of this comprehensive budget and capital plan was a team effort and I am very grateful to the Finance Team members: Julie Languirand, Treasurer, Dan Raycroft, Assessor, and especially Heather Rowe, former Chief Administrative Officer and Ethan Manning, Finance Director/Auditor. Mr. Manning deserves much credit and recognition for his leadership and diligence in preparing this FY 2017 budget. We are proud to submit this budget to you for consideration and look forward to working with you over the coming weeks to finalize this process and begin FY2017.



# City of Newburyport

## FY 2016

### BUDGET TRANSFER REQUEST

RECEIVED  
CITY OFFICE  
MAY 24 2016

MAY 24 2016

**Department:** Mayor's Office  
**Submitted by:** Mayor Donna D. Holaday      **Date Submitted:** 5/31/2016

**Transfer From:**

Account Name	<u>General Fund - Free Cash</u>	YTD Bal:	<u>\$ 896,412.78</u>
Account Number:	<u>01-35910</u>	Category:	<u>\$ -</u>
Amount:	<u>\$10,000.00</u>	Trans I/O:	<u>\$ (1,922,023.22)</u>
Why are Funds Available:	<u>The Massachusetts Department of Revenue certified Free Cash for FY2016 at \$2,818,436. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council. YTD balance does not reflect \$164,293.12 in pending transfer requests.</u>		

**Transfer To:**

Account Name	<u>CCN Ordinance Recodification</u>	YTD Bal:	<u>\$ -</u>
Account Number:	<u>01111002-53002</u>	Category:	<u>\$ -</u>
Amount:	<u>\$2,500.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Required:	<u>Due to costs of codifying ordinances both online and hard copy.</u>		

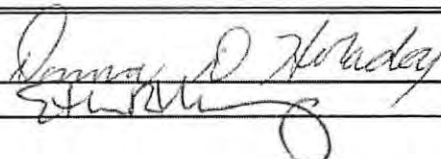
**Transfer To:**

Account Name	<u>CCN Legal Ads</u>	YTD Bal:	<u>\$ 1,218.71</u>
Account Number:	<u>01111002-53001</u>	Category:	<u>\$ -</u>
Amount:	<u>\$1,500.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Required:	<u>Due to the volume of legal advertisements as required by City Ordinance or Statute.</u>		

**Transfer To:**

Account Name	<u>BDR Elections &amp; Registrations</u>	YTD Bal:	<u>\$ -</u>
Account Number:	<u>01163007-57808</u>	Category:	<u>\$ -</u>
Amount:	<u>\$6,000.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Required:	<u>To cover final expenses incurred as a result of additional election work during this year's elections.</u>		

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

  
Donna D. Holaday

Date: 5/24/16  
 Date: 5/24/16



# City of Newburyport

## FY 2016

### BUDGET TRANSFER REQUEST

RECEIVED  
CLERK'S OFFICE  
NEWBURYPORT, MA  
2016 MAY 24 10

**Department:** Newburyport Fire Department  
**Submitted by:** Chief Christopher LeClaire      **Date Submitted:** 5/31/2016

**Transfer From:**

Account Name	<u>Fire Fuel/Oil</u>	YTD Bal:	\$ 24,745.44
Account Number:	<u>01220004-54801</u>	Category:	\$ -
Amount:	<u>\$10,000.00</u>	Trans I/O:	\$ -
Why are Funds Available:	<u>A surplus is anticipated in this account at year-end due to lower than anticipated fuel costs.</u>		

**Transfer To:**

Account Name	<u>Fire Maintenance - Equipment</u>	YTD Bal:	\$ 2,274.23
Account Number:	<u>01220002-52402</u>	Category:	\$ -
Amount:	<u>\$10,000.00</u>	Trans I/O:	\$ -
Why are Funds Required:	<u>Funds are low due to extra equipment needed for the new fire truck, as well as, the Fire Department's new rescue boat.</u>		

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

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

Date: 5/24/16  
 Date: 5/24/16



# City of Newburyport

## FY 2016

### BUDGET TRANSFER REQUEST

RECEIVED  
CLERK'S OFFICE  
NEWBURYPORT, MA  
MAY 24 2016

**Department:** Newburyport Fire Department

**Submitted by:** Chief Christopher LeClaire

**Date Submitted:** 5/31/2016

**Transfer From:**

Account Name	<u>General Fund - Free Cash</u>	YTD Bal:	\$	<u>896,412.78</u>
Account Number:	<u>01-35910</u>	Category:	\$	<u>-</u>
Amount:	<u>\$63,000.00</u>	Trans I/O:	\$	<u>(1,922,023.22)</u>
Why are Funds Available:	<u>The Massachusetts Department of Revenue certified Free Cash for FY2016 at \$2,818,436. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council. YTD balance does not reflect \$164,293.12 in pending transfer requests.</u>			

**Transfer From:**

Account Name	<u>Fire Fuel/Oil</u>	YTD Bal:	\$	<u>24,745.44</u>
Account Number:	<u>01220004-54801</u>	Category:	\$	<u>-</u>
Amount:	<u>\$10,000.00</u>	Trans I/O:	\$	<u>-</u>
Why are Funds Available:	<u>A surplus is anticipated in this account at year-end due to lower than anticipated fuel costs.</u>			

**Transfer From:**

Account Name	<u>Fire Educational Materials</u>	YTD Bal:	\$	<u>3,615.17</u>
Account Number:	<u>01220004-55101</u>	Category:	\$	<u>-</u>
Amount:	<u>\$2,000.00</u>	Trans I/O:	\$	<u>-</u>
Why are Funds Available:	<u>A surplus is anticipated in this account at year-end.</u>			

**Transfer To:**

Account Name	<u>Fire Overtime</u>	YTD Bal:	\$	<u>-</u>
Account Number:	<u>01220001-51301</u>	Category:	\$	<u>-</u>
Amount:	<u>\$75,000.00</u>	Trans I/O:	\$	<u>-</u>
Why are Funds Required:	<u>The FY 2016 appropriation for Fire Overtime was \$253,750. The Fire Department anticipates total overtime costs to exceed \$390,000 by year-end.</u>			

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

Donna D. Holaday  
Ethan R. Manning

Date: 5/24/16  
Date: 5/24/16

CITY OF NEWBURYPORT



IN CITY COUNCIL

May 16, 2016

**ORDERED:**

**THAT THE CITY COUNCIL** of the City of Newburyport hereby orders, pursuant to Code Section 13-166 et al, as follows:

1. There shall be one prominent parking space in the Green Street lot reserved for vehicles displaying a Military style license plate. There shall be no charge to park in this space.
2. This space shall be clearly marked with a sign stating "Free Parking for Military Plates". A second sign shall state "*Thank you for your service* from the City of Newburyport - a Coast Guard City"
3. The following plates will be acceptable: Bronze Star, Congressional Medal of Honor, Disable Veteran, Distinguished Flying Cross, EX- POW, Gold Star Family, Legion of Valor, National Guard, Pearl Harbor Survivor, Purple Heart, Silver Star and veteran.
4. Military Plates from all States will be allowed. There shall be no overnight parking in this space.

Councillor Larry G. Giunta, Jr.

Councillor Robert Cronin



CITY OF NEWBURYPORT



---

IN CITY COUNCIL

May 31, 2016

ORDERED:

**WHEREAS** Massachusetts General Laws Chapter 71, Section 16G½ allows a regional school district to establish a Stabilization Fund with the approval of a majority of the local appropriating authorities of member municipalities, and

**WHEREAS** the Whittier Regional Vocational Technical District wishes to establish a Stabilization Fund and respectfully requests the approval from its member municipalities,

**NOW, THEREFORE, the CITY COUNCIL of the CITY OF NEWBURYPORT** hereby approves of the Whittier Regional Vocational Technical District Committee's vote on February 10, 2016 to establish a Stabilization Fund, pursuant to Section 16G½ of Chapter 71 of the Massachusetts General Laws; said Stabilization Fund is to be invested and to retain its own interest earnings as provided by law and further set up an operational line item within the district's budget to be created to transfer available monies into said Stabilization Fund or take any other action relative thereto.

---

Councillor Larry G. Giunta, Jr.  
Chair, Joint Education Committee

CITY OF NEWBURYPORT



—  
IN CITY COUNCIL

ORDERED:

May 16, 2016

Free Parking during Christmas Season

The Newburyport City Council in conjunction with Mayor Donna D. Holaday (or the Office of the Mayor) suspend the collection of parking fees in all parking lots participating in the city's paid parking program between the dates of December 17, 2016 and December 24, 2016. A sign will be hung on the parking kiosks stating "Free Parking - Seasons Greetings from the Citizens of Newburyport".

Councillor Larry G Giunta, JR

## LICENSE & PERMIT COMMITTEE ITEMS

- **COMM055\_05\_31\_16** Exchange Club to Advertise Field of Honor Program
- **ORDR038\_05\_31\_16** Intermunicipal Agreement Shared Animal Control
- **ODNC010\_05\_31\_16** Amend Outdoor Seating Process
- **ODNC011\_05\_31\_16** Amend Transient Vendors for Cashman (COTW)



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

1750  
11 S. OFFICE  
2016 MAY 17 P 3 27

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

May 16, 2016

Richard B. Jones  
City Clerk  
Newburyport City Hall

Dear Mr. Jones,

On behalf of the Exchange Club of Greater Newburyport I would like to request permission to set up a 10x10 foot tent in Market Square. The purpose of the tent will be to advertize the upcoming 7<sup>th</sup> Annual Field of Honor Program taking place at the Bartlett Mall on September 7-13<sup>th</sup> 2016. In addition visitors will have the opportunity to purchase a flag to be dedicated at a ceremony on Sunday September 11<sup>th</sup>.

This year we are remembering the 15<sup>th</sup> anniversary of the 9/11 attack and honoring all VietNam veterans.

The requested dates are as follows:

Saturday August 13th  
Saturday August 20th

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

Respectfully,

Ben Iacono  
Chairman, Field of Honor Flag Sales

CITY OF NEWBURYPORT



---

IN CITY COUNCIL

ORDERED:

May 31, 2016

**THAT** the City Council of the City of Newburyport approves the attached Intermunicipal Contract by and between the Town of West Newbury and the City of Newburyport for Shared Animal Control Services.

---

Councillor Cronin  
Public Safety Chairperson





## TOWN OF WEST NEWBURY

### BOARD OF SELECTMEN

1910 TOWN OFFICE BUILDING

381 Main Street, West Newbury, Mass. 01985

Phone: 978-363-1100, Ext. 115

Fax: 978-363-1117

selectmen@wnewbury.org

May 17, 2016

Donna Holaday  
Mayor's Office  
60 Pleasant Street  
P.O. Box 550  
Newburyport, MA 01950

RECEIVED  
MAY 23 11:00 AM  
MAYOR'S OFFICE  
NEWBURYPORT, MA

Dear Mayor Holaday:

Please find enclosed two "Intermunicipal Agreement for the Administration of Shared Animal Control Services" and signed by the West Newbury Selectmen. When your City Council has been signed, please send one of the documents to us at:

Board of Selectmen  
381 Main St.  
West Newbury, MA 01985

Thank you.

Sincerely,

Kristine A. Pyle  
Executive Administrator -  
On behalf of the Board of Selectmen

Enclosures

7014 MAY 23 4:00 PM '16  
CITY OF NEWBURYPORT

**CITY OF NEWBURYPORT AND  
TOWN OF WEST NEWBURY**

**INTERMUNICIPAL AGREEMENT FOR THE ADMINISTRATION OF SHARED  
ANIMAL CONTROL SERVICES**

**Article 1. Purpose**

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

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

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

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

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

**Article 2. Definitions**

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

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

**Article 3. Term**

This Agreement shall take effect on the 1<sup>st</sup> day of July 2016, for a one year term that may be extended by up to two additional one year terms commencing on July 1, 2017 and July 1, 2018. Any such extension term shall be subject to approval by the City of Newburyport, as authorized by its City Council and approved by its Mayor, and the Town of West Newbury, as authorized by its Board of Selectmen. The Participating Governmental Units shall give each other notice of whether or not they wish to extend this initial one year term at least ninety days prior to the annual Town Meeting of the Town of West Newbury but no later than ninety days prior to June 1<sup>st</sup> of the then-current term, unless another date is mutually agreed upon in writing. Should the

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

#### **Article 4. Lead City**

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

#### **Article 5. Funding Contribution**

During the Fiscal Year 2017 (July 1, 2016 – June 30, 2017), the Town of West Newbury shall pay the City of Newburyport for animal control services a total sum of \$20,000.00 to be paid in four equal quarterly payments of \$5,000.00 on or before August 1, November 1, February 1, and May 1. This payment shall include all applicable expenses incurred by the City of Newburyport in providing Animal Control Services on behalf of the Participating Governmental Units, including, but not limited to, salaries, group health insurance, workers’ compensation insurance, and all other applicable benefits. Nothing herein shall prevent the parties from mutually agreeing in writing to change the funding contribution during the initial term or any extended term of this agreement, subject to available appropriation.

#### **Article 6 Financial Safeguards**

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

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

### **Article 7 Hours of Services and Service Requirements**

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

### **Article 8 Vehicle Usage**

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

### **Article 9 Fines**

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

### **Article 10 Indemnification**

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

### **Article 11 Operation of Animal Shelter Facilities**

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

## I. OPERATIONS:

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



- g. Boarding facilities shall include a sheltered kennel unit with cages and/or runs that protect the animals from precipitation, and extreme hot (100°F or greater) and cold (45°F or less) conditions. Except in emergency situations, as determined by the Newburyport Animal Control Officer, no more than one adult animal shall be kept per cage.
- h. Newburyport will be responsible for ensuring that an ill or injured animal is treated promptly by the respective Participating Governmental Unit's contracted licensed veterinarian, depending on the nature and/or seriousness of the illness or injury, and that any prescribed medication is promptly obtained and administered.

**II. FEES:**

- a. Owners who reclaim animal(s) shall make payment to the City of Newburyport prior to reclaiming their animal(s) for all boarding fees (\$35.00 per day for each animal) and all other fees related to shelter services provided per day per animal.
- b. Newburyport shall provide invoices, collect monies and keep records of all required fees received from owners. Invoices provided to owners who are retrieving their animal shall include the date that the animal was delivered to the shelter, the per day shelter rate, the number of days that the animal was sheltered, medical bills as applicable, and total fee due and collected.
- c. Each Participating Governmental Unit shall be responsible for the direct costs to care for the animals which originate from said community, including but not limited to flea treatments and any veterinary costs. For the purposes of this agreement, "veterinary costs" shall include rabies vaccinations, health evaluation, treatment of minor curable diseases and euthanasia.
- d. Each Participating Governmental Unit shall pay any additional costs associated with the transport and removal of animals from their community if an animal is not claimed or is injured.
- e. Newburyport may add a surcharge of up to ten (10) percent (not to exceed \$25.00) to medical bills to cover certain incidental costs relating to

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

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

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

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

**IV. DISCHARGE:**

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

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

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

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

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

#### **Article 12 Dangerous or Nuisance Dogs**

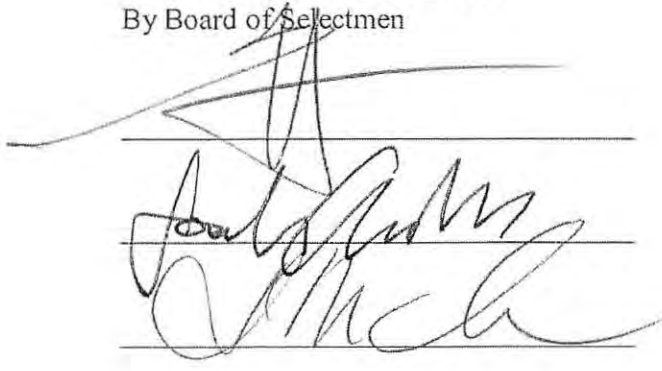
In accordance with M.G.L. Ch. 140 Sec. 157, complaints regarding dogs must be filed with the hearing authority in the city or town in which the dog is owned or kept. For the purposes of this IMA, the hearing authority for the City of Newburyport and for the Town of West Newbury shall be the Mayor and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

#### **Article 13 Miscellaneous**

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

TOWN OF WEST NEWBURY  
By Board of Selectmen

CITY OF NEWBURYPORT  
By City Council



Handwritten signatures of the Board of Selectmen, including a large signature at the top and several others below it, all written over horizontal lines.

Dated: 5/16/16

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: \_\_\_\_\_

CITY OF NEWBURYPORT



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

ORDERED:

May 31, 2016

AN ORDINANCE TO AMEND FOOD SERVICE ESTABLISHMENTS ON PUBLIC RIGHTS-OF-WAY

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

**Chapter 12** Streets, Sidewalks and Other Public Places  
**Article I** In General  
**Section 12 – 1** Obstructing Streets, Sidewalks Generally

Amend Section 12-1(b) regarding outdoor seating, with deletions ~~double-stricken through~~, and additions double-underlined:

**Sec. 12-1(b) – Food Service Establishments on Public Rights-of-Way.**

(6) In the case of a renewal application for the above mentioned permits described in (b)(1), the City Clerk (or designee) and the Chair of the License and Permit Committee (or designee) may approve said renewal provided that there are no changes to the same.

\_\_\_\_\_  
Councilor Bruce L. Vogel



## CITY OF NEWBURYPORT




---

 IN CITY COUNCIL

ORDERED:

May 31, 2016

**AN ORDINANCE TO AMEND TRANSIENT VENDORS, HAWKERS AND PEDDLERS**

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

**Chapter 9** Streets, Sidewalks and Other Public Places  
**Article 7** Transient Vendors, Hawkers and Peddlers  
**Division 1** Transient Vendors

Amend Sections 9-111 through 9-114 regarding transient vendors, with deletions ~~double-stricken through~~, and additions double-underlined:

**Sec. 9-111. - Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

*Transient vendor* shall mean any person, either principal or agent, who engages in a temporary or transient business in the commonwealth selling goods, wares or merchandise.

**Sec. 9-112. - License required.**

It shall be unlawful for any transient vendor to sell, attempt to sell, or exhibit any food, beverage, goods, wares, or merchandise without first applying for and obtaining a license from the license commission. In the event that the vendor location is within the jurisdiction of the parks commission, this license is subject to their approval.

**Sec. 9-113. - Granting license.**

(a) Annually, the license commission shall issue no more than three (3) full season licenses at Inn Street and no more than two (2) full season licenses at Cashman Park (city-owned portion). ~~The license commission shall not issue more than three (3) full season transient vendor licenses per year.~~

(b) In addition to ~~three (3)~~ five (5) full season transient vendor licenses available annually, the city council may grant special licenses to charitable and nonprofit organizations under such conditions as the city council may deem appropriate.

(Ord. of 1-24-11)

**Sec. 9-114. - Restricted areas.** Approved transient vendor may operate only on Inn Street and Cashman Park (city-owned portion), pursuant to license commission regulations. ~~This provision does not apply to licensees holding a valid license on December 31, 2010.~~

---

Councillor Jared J. Eigerman

---

Councillor Robert J. Cronin

## PLANNING & DEVELOPMENT COMMITTEE ITEMS

- **ODNC008\_04\_11\_16** Zoning – Repair City-Owned Sidewalks (COTW)
- **ORDR041\_05\_31\_16** Taking on 1 Pasture Road – Sewer Lift Station

APRIL 11, 2016  
[REVISED DRAFT JUNE 13, 2016]

**ORDERED:**

**A ZONING ORDINANCE REGARDING REPAIR OF CITY-OWNED SIDEWALKS FOR LARGER PROJECTS REQUIRING ZONING RELIEF**

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

As to *DEFINITIONS*, add new Section II-B.46a, as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

46b. Substantial Rehabilitation. A project that causes alterations, extension, reconstruction, or repairs to be made to a structure or structures within any period of twelve (12) months that cost more than fifty percent (50%) of the physical value of such structure or structures, where physical value is based upon the assessed value by the city assessor as of the January 1 preceding the date of filing of the building permit application for the project.

As to *VARIANCES*, add new Section X-H.6.Q., as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

Q. Among the intents and purposes of this chapter is for the board to condition the grant of any variance for a project that will result in (i) a net increase of residential density of at least twenty-five percent (25%), (ii) a net increase in total floor area of at least 1,000 square feet, or (iii) substantial rehabilitation, upon both: (1) the reconstruction, repair, and/or replacement, where appropriate, of all city-owned sidewalks actually adjoining the project site, in accordance with Sections 12-54 and 12-55 of the Newburyport Code; and (2) the planting, preservation, and/or replacement, where appropriate, of street trees along all public rights-of-way actually adjoining the project site, in accordance with article VI of chapter 12 of Newburyport Code.

As to *SPECIAL PERMITS*, add new Section X-H.7.B.10, as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

(10) For any project that will result in (i) a net increase of residential density of at least twenty-five percent (25%), (ii) a net increase in total floor area of at least 1,000 square feet, or (iii) substantial rehabilitation, both: (1) the reconstruction, repair, and/or replacement, where appropriate, of all city-owned sidewalks actually adjoining the project site, in accordance with Sections 12-54 and 12-55 of the Newburyport Code; and (2) the planting, preservation,

and/or replacement, where appropriate, of street trees along all public rights-of-way actually adjoining the project site, in accordance with article VI of chapter 12 of Newburyport Code.

As to SITE PLAN REVIEW, amend existing Section XV-H.a.6., as follows, with deletions ~~double stricken through~~, and additions double-underlined:

6. Sidewalks, crosswalks, walkways, bike racks, or other pedestrian access may be required to allow access to adjacent properties and between individual businesses within a development. In addition, the proposed development shall include both: (1) the reconstruction, repair, and/or replacement, where appropriate, of all city-owned sidewalks actually adjoining the project site, in accordance with Sections 12-54 and 12-55 of the Newburyport Code; and (2) the planting, preservation, and/or replacement, where appropriate, of street trees along all public rights-of-way actually adjoining the project site, in accordance with article VI of chapter 12 of Newburyport Code.

As to SITE PLAN REVIEW, amend existing Section XV-L.f., as follows, with deletions ~~double stricken through~~, and additions double-underlined:

- f. No building permit shall be issued unless both: (i) the department of public services has certified in writing to the planning board that all public utilities and work involving city-owned sidewalks have been reviewed and approved by such ~~the respective utility~~ departments, and that the proposed utilities will be installed in accordance with plans submitted with the application; and (ii) the tree warden has certified in writing to the planning board that work involving street trees has been reviewed and approved by that officer and that it will be performed in accordance with plans submitted with the application.

---

Councillor Jared J. Eigerman



CITY OF NEWBURYPORT



—  
IN CITY COUNCIL

May 31, 2016

ORDERED:

---

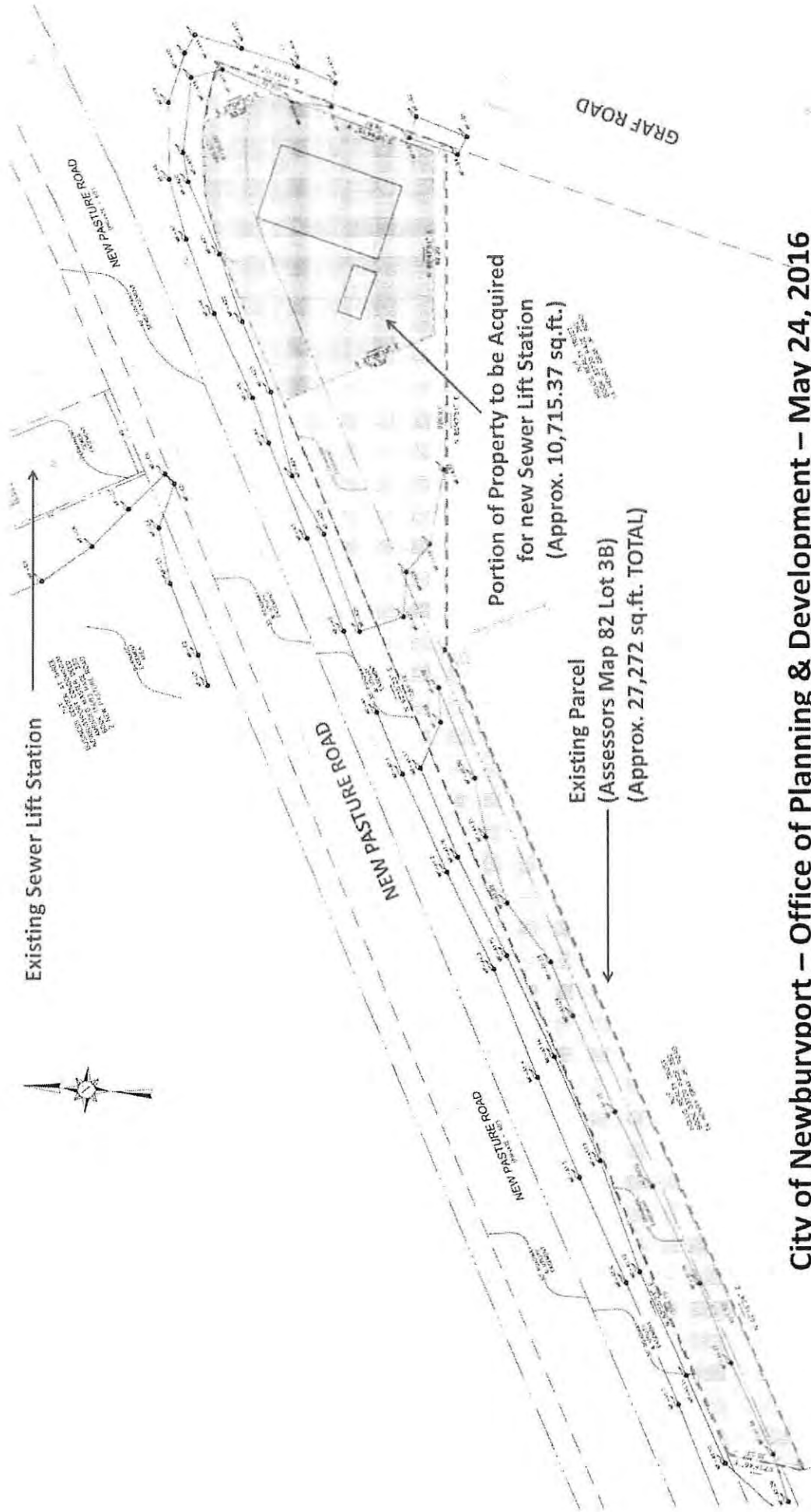
Be it ordained by the City Council of the City of Newburyport as follows:

**THAT** the City Council of the City of Newburyport hereby approve and authorize the permanent taking of a portion of that property located at 1 New Pasture Road for all purposes incidental to the construction and operation of a new Sewer Lift Station, as shown on the attached sketch plan and in accordance with the attached "Order of Taking." Further, that the Council President is hereby authorized to sign said Order of Taking on behalf of the Council, and that the Mayor of the City of Newburyport is hereby authorized to act on behalf of the City and enter into any and all instruments or actions necessary to execute this Order of Taking accordingly.

Councillor Jared J. Eigerman

Councillor Bruce L. Vogel

# 1 New Pasture Road – Portion of Property to be Taken



City of Newburyport – Office of Planning & Development – May 24, 2016

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

CITY OF NEWBURYPORT

ORDER OF TAKING

At a regularly convened meeting of the CITY COUNCIL of the CITY OF NEWBURYPORT held the \_\_\_\_ day of June, 2016, it was voted and ordered as follows:

The City Council of the City of Newburyport, duly elected, qualified, and acting as such, on behalf of the City and by virtue of and in accordance with the authority of the provisions of Chapter 79 of the General Laws, as amended, and of any and every other power and authority which is hereunto in any way enabling, does hereby take permanently, on behalf of the City, property for all purposes incidental to the construction and operation of a new Sewer Lift Station the lands described as follows, and shown on a sketch plan attached hereto:

A portion of a parcel of undeveloped land located at **1 New Pasture Road**, Newburyport, Essex County Massachusetts more particularly referenced as Parcel 6 on plan entitled "Plan of Land in Newburyport, MA" as Prepared For Hiller Realty Trust by Port Engineering Associates, Inc., dated January 13, 1999 and recorded in the Essex South District Registry Deeds in Plan Book 374 as Plan 21. Said portion of such parcel consisting of approximately 10,715.37 square feet of land more particularly referenced on a sketch plan attached hereto entitled "1 New Pasture Road – Portion of Property to be Taken", prepared by the City of Newburyport Office of Planning & Development, and dated May 24, 2016.

The lands affected by the herein taking are owned or supposedly owned by Russell H. Stiles, Trustee of Hollis Realty Trust, 11 River Street, Suite 3, Middleton, MA 01949 (Book 33720, Page 384).

Said owner has executed a "Waiver of Appraisal and Damages" dated May 10<sup>th</sup>, 2016 (attached hereto), and we therefore award \$32,000 to said owner for the herein taking in accordance with said Waiver. No betterments are to be assessed under this taking.

IN WITNESS WHEREOF, I, the duly elected and qualified president of the City Council of the City of Newburyport, acting as the duly authorized representative of said Council, have hereunto set my hand and seal as of this \_\_\_\_ day of June, 2016.

CITY OF NEWBURYPORT  
By its City Council

\_\_\_\_\_  
Thomas F. O'Brien, President

Approved:

\_\_\_\_\_  
Mayor Donna D. Holaday

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this \_\_\_\_ day of June, 2016, before me, the undersigned Notary Public, personally appeared \_\_\_\_\_, President of the City Council of the City of Newburyport, as aforesaid, and proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the City of Newburyport.

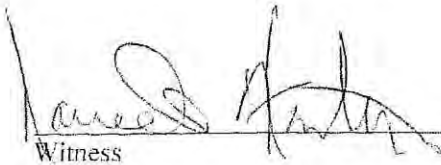
\_\_\_\_\_  
(Official Signature and Seal of Notary)

CITY OF NEWBURYPORT, MASSACHUSETTS

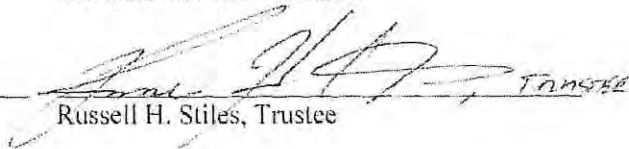
Waiver of Appraisal and Damages

KNOW ALL MEN BY THESE PRESENTS. that I, Russell H. Stiles, Trustee of Hollis Realty Trust, having an address of 11 River Street, Suite 3, Middleton, MA 01949, the record owner of that property known as 1 New Pasture Road, Newburyport, Massachusetts (the "Property") by way of a deed recorded with the Essex South Registry of Deeds in Book 33720, Page 384 (the "Owner"), in consideration of the sum of Thirty-Two Thousand dollars (\$32,000.00) paid and other good and valuable consideration, hereby acknowledged as full compensation for all damages sustained by said Owner on account of a taking to be made by the City of Newburyport, by and through its City Council ("City") of a portion of the subject Property for the purposes of constructing a new Sewer Lift Station on the Property as described in a letter from Mayor Donna D. Holaday, attached hereto as Exhibit A, for ourselves and our successors and assigns, pursuant to Massachusetts General Laws (MGL) Chapter 79, §7A, waive, release and forever discharge the City of Newburyport, its successors and assigns, from all debt, demands, actions, reckonings, bonds, covenants, contracts, agreements, promises, damages, and liabilities and any and all other claims of every kind, nature and description whatsoever, both in Law and Equity, arising from or in consequence of said taking, consent to said taking, and waive all right to an appraisal of damages for said taking.

EXECUTED UNDER SEAL this 10<sup>TH</sup> day of MAY, 2016.

  
Witness

HOLLIS REALTY TRUST

  
Russell H. Stiles, Trustee



## PUBLIC UTILITIES COMMITTEE ITEMS

1. Proposed license for contractor Robell, Inc. (Order 27)
2. Proposed license for contractor F & S Construction (Order 42)



CITY OF NEWBURYPORT

ORDR027\_04\_11\_16

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2016 MAR 24 A 11 1

DEPARTMENT  
OF  
PUBLIC SERVICES

**MEMORANDUM**

ANTHONY J. FURNARI  
DIRECTOR

WAYNE S. AMARAL  
DEPUTY DIRECTOR /  
DIRECTOR OF OPERATIONS

16A PERRY WAY  
NEWBURYPORT, MA 01950

TEL: 978-465-4464

FAX: 978-465-1623

WWW.CITYOFNEWBURYPORT.COM

**TO:** Richard Jones, City Clerk  
**FROM:** Wayne S. Amaral, DPS Deputy Director *WSA*  
**DATE:** March 23, 2016  
**RE:** License Contractor Application and recommendation 2016 Season

---

Enclosed is a copy of a new Licensed Contractor application with bond and references to be forwarded to the city council for approval for;

Robell, Inc.  
72 Page Street  
Lunenburg, MA 01462

For the following work;

Water  
Sewer  
Drain Laying  
Roadway  
Sidewalk  
Street Occupancy

Thank you for your attention to this matter.



**CITY OF NEWBURYPORT**  
**DEPARTMENT OF PUBLIC SERVICES**  
 16A PERRY WAY  
 NEWBURYPORT, MA 01950

CUS

ANTHONY J. FURNARI, DIRECTOR  
 WAYNE S. ARMARAL, DEPUTY DIRECTOR

PHONE: 978-465-4464  
 FAX: 978-465-1623

**Application to become a  
 Licensed Contractor**

*Submit completed application to DPS at 16A Perry Way, Newburyport, MA*

Name of Company: Robell Inc

Name of Owner: Robert Uhl

Contact Person: Same

Street Address: 22 Page St City: Newbury State: MA Zip Code: 01462

Phone #: 978-582-7317 Cell #: 978-375-6528 Fax #: 978-582-4796

Insurance Certificate #: \_\_\_\_\_ Policy Expiration Date: \_\_\_\_\_

Name and Contact Information of Insurer: William M. O'Brien & Assoc

Bond # \_\_\_\_\_ Bond Expiration Date: \_\_\_\_\_

**Type of Work Qualified for: (check all that apply)**

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Water Service/Main        | <input checked="" type="checkbox"/> Sewer Service/Main | <input checked="" type="checkbox"/> Drain Laying     |
| <input checked="" type="checkbox"/> Roadway (incl. curb cuts) | <input checked="" type="checkbox"/> Sidewalk           | <input checked="" type="checkbox"/> Street Occupancy |
| <input type="checkbox"/> Gas                                  | <input type="checkbox"/> Electric                      | <input type="checkbox"/> Communications              |

**Submit the Following with this completed Application:**

- o Certificate of Insurance incl. Worker's Compensation Insurance Affidavit (per M.G.L. .c152)
- o \$5000 Bond ORIGINAL ONLY (\$10,000 Bond for laying Wire or Conduit)
- o \$500 Check non-refundable payable to City of Newburyport (not required for ROW Occupancy)
- o Minimum 3 Municipal References within the last 5 years (Renewals do not require references)



# TOWN OF WESTBOROUGH MASSACHUSETTS

DEPARTMENT OF PUBLIC WORKS

131 OAK STREET  
WESTBOROUGH, MA 01581-3217  
TEL. (508) 366-3070  
FAX 366-3074

John M. Walden, Manager  
Richard Voutas, Assistant Manager  
Carl J. Balduf, P.E., P.L.S., Town Engineer

Dennis Cote, Operations Manager  
Maria-Elaina Riggieri, Business Administrator

March 14, 2016

To Whom It May Concern:

**RE: Reference for Robell, INC-(Mr. Robert Ullo.) Utility Contractor**

Mr. Robert Ullo of Robell Construction Co. has asked for a reference from the DPW Engineering Division. Mr. Ullo recently installed water, sewer and drainage piping for a Chick Fil A restaurant in Westborough. This work has been permitted through the Engineering Department and it has been performed in accordance to the rules and regulations of the Town of Westborough DPW specifications. I have inspected and approved the work that Mr. Ullo has performed on this project. Please accept this letter of reference.

If you have, any further questions feel free to call (508) 366-3076.

Respectfully submitted,

Robert J. Duff P.E.  
Chief Inspector



TOWN OF WEBSTER  
DEPARTMENT OF PUBLIC WORKS  
WATER - SEWER DIVISION  
PO BOX 793 WEBSTER, MA 01570

MARCH 18 2016:

To: Town of Newburyport Ma.

Robell Inc. of Lunenburg Ma. has installed water and sewer lines in Webster and has worked with individual homeowners and local business's to complete the required connections for the residents of Webster MA.

Bob Ullo is a licensed drain layer and has completed the jobs with professionalism and always in accordance with the town's regulations.

If you require any further information please contact our office at 508-949-3865 or e-mail [jduval@webster-ma.gov](mailto:jduval@webster-ma.gov) or [dkasik@webster-ma.gov](mailto:dkasik@webster-ma.gov)

Sincerely,

Jamie Duval  
Chief Of Maintenance  
Webster Sewer Department



# *Town of Lunenburg*

## *Department of Public Works*

**John M. Rodriquenz**  
Director  
Tel.: (978) 582-4160  
Fax: (978) 582-4152



*520 Chase Road  
Lunenburg, MA 01462*

March 17, 2016

Dear Town Official,

It is my pleasure to recommend favorably Robell Const., and President Mr. Bob Ufio.

I have served as Director of Public Works in Lunenburg for over twenty years and in that time have had the opportunity to work with, and inspect the work of this company. I have found them to be knowledgeable, courteous, and attentive to the needs of residents and customers alike.

It is my opinion that should you choose Robell Const. as a new vendor or subcontractor in your community that you will be as pleased as I have been with the result.

Please feel free to contact me if I can be of any further assistance.

Respectfully,

Jack Rodriquenz

Director of Public Works



# ROBELL, INC.

"WE DIG OUR WORK"  
77 PAGE STREET  
LUNENBURG, MA 01462  
(978) 582-7317 FAX (978) 582-4796

Nov. 15, 2015

## References:

Town of Lunenburg	
Jack Rodriguez	\$ 978-582-4960
Town of Westboro, Mass.	
Carl Balduf	508-366-7076
Town Of Webster, Mass.	
Scott Charpentier	508-949-3800



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/22/2016

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

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

<b>PRODUCER</b> William O'Brien & Associates Insurance 350 Park St. Suite 102 North Reading MA 01864		<b>CONTACT NAME:</b> Kaye Connelly <b>PHONE (A/C, No, Fax):</b> (978) 664-6585 <b>FAX (A/C, No):</b> <b>E-MAIL ADDRESS:</b> kayeconnelly@comcast.net	
<b>INSURED</b> Robell, Inc. 72 Page Street Lunenburg MA 01462		<b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> Atain Specialty <b>INSURER B:</b> Safety Insurance Company <b>INSURER C:</b> Associated International <b>INSURER D:</b> Zurich <b>INSURER E:</b> Liberty Mutual Insurance <b>INSURER F:</b>	

COVERAGES CERTIFICATE NUMBER: CL139341773 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 INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY			CIP209666	8/16/2015	8/16/2016	EACH OCCURRENCE	\$ 1,000,000
	COMMERCIAL GENERAL LIABILITY						DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 100,000
	CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						MED EXP (Any one person)	\$ 5,000
	<input checked="" type="checkbox"/> XCU- PER POLICY FORMS						PERSONAL & ADV INJURY	\$ 1,000,000
GEN'L AGGREGATE LIMIT APPLIES PER:							GENERAL AGGREGATE	\$ 2,000,000
<input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC							PRODUCTS - COMP/OP AGG	\$ 2,000,000
B	AUTOMOBILE LIABILITY			5000569	1/9/2016	1/9/2017	COMBINED SINGLE LIMIT (Ea accident)	\$ 1,000,000
	ANY AUTO						BODILY INJURY (Per person)	\$
	ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS						BODILY INJURY (Per accident)	\$
	HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)	\$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB			XOBW5387414	8/16/2015	8/16/2016	EACH OCCURRENCE	\$ 5,000,000
	EXCESS LIAB						AGGREGATE	\$ 5,000,000
	<input type="checkbox"/> OCCUR							\$
	<input type="checkbox"/> CLAIMS-MADE							\$
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			682UB2E73227	2/12/16	2/12/17	WC STATU- TORY LIMITS	OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A				E.L. EACH ACCIDENT	\$ 500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	\$ 500,000
							E.L. DISEASE - POLICY LIMIT	\$ 500,000
E	INLAND MARINE			BMO57122749	1/23/2016	1/23/2017	CAT LIMIT	\$381,443
							DEDUCTIBLE	\$1,000/OCC

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

**CERTIFICATE HOLDER****CANCELLATION**

CITY OF NEWBURYPORT PUBLIC SERVICES  
 16A PERRY WAY  
 NEWBURYPORT, MA 01950

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

AUTHORIZED REPRESENTATIVE

*Kaye Connelly*  
 Kaye Connelly/KCONNE

LICENSE OR PERMIT BOND

BOND NO. S-843808

KNOW ALL MEN BY THESE PRESENTS THAT WE,

Robell Inc of 72 Page St Lunenburg MA 01462 as Principal, and NGM Insurance Company, a Florida corporation with its principal office at 4601 Touchton Rd East Ste 3400 Jacksonville, FL 32245-6000, as Surety,

are held and firmly bound unto

Newburyport Dept of Public Services

in the sum of Five Thousand and 00/100 Dollars

(\$ 5,000.00), for the payment of which sum, well and truly to be made, we bind ourselves, our personal representatives, successors and assigns, jointly and severally, firmly by these presents.

The condition of this obligation is such, that whereas the Principal has obtained, or shall obtain, a license or permit from the Obligee for Street Opening License

at City of Newburyport for the term commencing on the 16th day of November, 2015 and ending on the 16th day of November, 2016.

NOW, THEREFORE, if Principal shall faithfully observe and comply with all terms of the underlying license or permit, and all Ordinances, Rules and Regulations, and any Amendments thereto, applicable to the obligation of this bond, then this obligation shall become void and of no effect, otherwise to be and remain in full force and virtue.

The Surety may, if it shall so elect, cancel this bond by giving thirty (30) days written notice to the Obligee and the bond shall be deemed canceled at the expiration of said period; the Surety remaining liable, however subject to all the terms, conditions and provisions of this bond, for any act or acts covered which may have been committed by the Principal up to the date of such cancellation.

PROVIDED, HOWEVER, that this bond may be continued from year to year by certificate executed by the Surety hereon. Regardless of the number of years or terms this bond remains in effect, and regardless of the number and amount of claims that may be made, the maximum aggregate liability of the Surety is limited to the penal sum of the bond.

SIGNED, SEALED AND DATED on this 16th day of November, 2015.

Robell Inc

By [Signature]

NGM Insurance Company

By [Signature] Attorney-in-Fact Kaye M Connelly

- o **Underground Utilities** must be:
  - o Identified prior to opening the excavation (e.g., contact Digsafe).
  - o Located by safe and acceptable means while excavating.
  - o Protected, supported, or removed once exposed.
- o **Spoils** must be kept back a minimum of 2' from the edge of the trench.
- o **Surface Encumbrances** creating a hazard must be removed or supported to safeguard employees. Keep heavy equipment and heavy material as far back from the edge of the trench as possible.
- o **Stability of Adjacent Structures:**
  - o Where the stability of adjacent structures is endangered by creation of the trench, they must be underpinned, braced, or otherwise supported.
  - o Sidewalks, pavements, etc. shall not be undermined unless a support system or other method of protection is provided.
- o **Protection from water accumulation hazards:**
  - o It is not allowable for employees to work in trenches with accumulated water. If water control such as pumping is used to prevent water accumulation, this must be monitored by the competent person.
  - o If the trench interrupts natural drainage of surface water, ditches, dikes or other means must be used to prevent this water from entering the excavation.
- o **Additional Requirements:**
  - o For mobile equipment operated near the edge of the trench, a warning system such as barricades or stop logs must be used.
  - o Employees are not permitted to work underneath loads. Operators may not remain in vehicles being loaded unless vehicles are equipped with adequate protection as per 1926.601(b)(6).
  - o Employees must wear high-visibility clothing in traffic work zones.
  - o Air monitoring must be conducted in trenches deeper than 4' if the potential for a hazardous atmosphere exists. If a hazardous atmosphere is found to exist (e.g., O<sub>2</sub> <19.5% or >23.5%, 20% LEL, specific chemical hazard), adequate protections shall be taken such as ventilation of the space.
  - o Walkways are required where employees must cross over the trench. Walkways with guardrails must be provided for crossing over trenches > 6' deep.
  - o Employees must be protected from loose rock or soil through protections such as scaling or protective barricades.

APPLICANT SIGNATURE

*Robert Cole*

DATE: 11-15-16

EXCAVATOR SIGNATURE (IF DIFFERENT)

*Same*

DATE: \_\_\_\_\_

OWNER'S SIGNATURE (IF DIFFERENT)

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

DEPUTY DIRECTORS SIGNATURE





CITY OF NEWBURYPORT

FOR NEW SEWER CONNECTIONS ONLY

DEPARTMENT  
OF  
PUBLIC SERVICES

Sewer Division  
Infiltration and Inflow (I/I) Reduction Program

ANTHONY J. FURNARI  
DIRECTOR

Name: Robert Ull

WAYNE S. AMARAL  
DEPUTY DIRECTOR /  
DIRECTOR OF OPERATIONS

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

City, State, Zip: \_\_\_\_\_

16A PERRY WAY  
NEWBURYPORT, MA 01950

Phone #: \_\_\_\_\_

Amount of Discharge: \_\_\_\_\_ (gpd)

Amount of flow to be Removed: \_\_\_\_\_ (gpd)

TEL: 978-465-4463

TEL: 978-465-4464

FAX: 978-465-1623

It is understood that the company and/or person named above has agreed to participate in the City of Newburyport's 3 for 1 I/I Reduction Program. It will be determined by the Superintendent of the Sewer Department how much and from where the flow reduction will be done. This work will be taken from a list of problem areas in the City.

CITYOFNEWBURYPORT.COM

The amount of discharge flow will be determined by the DEP/DWPC established criteria (314 CMR 7.15)

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Sewer Representative

\_\_\_\_\_  
Date



CITY OF NEWBURYPORT

FOR NEW SEWER CONNECTIONS ONLY

DEPARTMENT  
OF  
PUBLIC SERVICES

**Infiltration and Inflow (I/I) Reduction Program  
Fee in Place of Work Agreement**

ANTHONY J. FURNARI  
DIRECTOR

WAYNE S. ARMARAL  
DEPUTY DIRECTOR /  
DIRECTOR OF OPERATIONS

16A PERRY WAY  
NEWBURYPORT, MA 01950

TEL: 978-465-4463

TEL: 978-465-4464

FAX: 978-465-1623

CITYOFNEWBURYPORT.COM

By Signing in the space provided below, the company and/or person named below has agreed to participate in the City of Newburyport's 3 for 1 I/I Reduction Program. In place of performing the work necessary to comply with the program, the undersigned has voluntarily agreed to pay the City of Newburyport Sewer Division a one time fee of \$3.00/gallon of new average daily wastewater flow to the system. It will be determined by the Superintendent of the Wastewater Treatment Facility how much flow the proposed development will discharge to the system. This flow will be based on DEP/DWPC established criteria (314 CMR 7.15). This fee will be put into an account by the Newburyport Sewer Division and this account will be used to finance I/I identification, elimination and rehabilitation efforts. It is further understood that by signing below, the person who has signed acknowledges he/she has the authority to sign this document. This document supersedes all other previously signed 2 for 1 I/I reduction letters.

Company/Owner Name: \_\_\_\_\_

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

City, State, Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_

Amount of Discharge: \_\_\_\_\_ (gpd)

Fee: \_\_\_\_\_ (@ \$3.00/gpd)

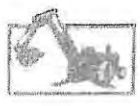
Check #: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Authorized Sewer Representative

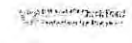
\_\_\_\_\_  
Date



**ROBELL INC.**  
72 PAGE STREET  
LUNENBURG, MA 01462  
978-582-7317 FAX 978-582-4796

DIGITAL FEDERAL CREDIT UNION  
MARLBOROUGH, MA 01752-9130

53-9182/2113 **3-7-16**



PAY TO THE  
ORDER OF

*City of Newburyport*  
*For Humberto Galles*

*\$500.00*

DOLLARS

Security features. Details on back.

MEMO

*Plant*



*Roberto Galles*

AUTHORIZED SIGNATURE

⑈006008⑈ ⑆ 2 6 6 3 9 6 8 2 5 ⑆

6 3 3 8 8 2 6 0 ⑈

CITY OF NEWBURYPORT



---

IN CITY COUNCIL

ORDERED:

May 31, 2016

**THAT** the City Council of the City of Newburyport approves the following Licensed Contractor application for the 2016 construction year for Water, Sewer, Drain Layer, Roadway and Sidwalk work:

F & S Construction  
45 Mill Road  
Kingston, NH 03848

*Paperwork on file in the City Clerk's office.*

---

Councillor Eigerman  
Public Utilities Chairperson