

CITY COUNCIL MEETING AGENDA - VERSION 1
CITY COUNCIL CHAMBERS
NOVEMBER 28, 2016

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

November 14, 2016

(Approve)

8. TRANSFERS

- NONE

9. COMMUNICATIONS

- **COMM105_11_28_16** Memo re: Fiscal Year 2017 Tax Rate (R&F)
- **COMM106_11_28_16** Families for Peace – Tables in Market Square on 1/20/17 (L&P)
- **COMM107_11_28_16** Unfunded Mandates (R&F)

10. APPOINTMENTS

- NONE

END OF CONSENT AGENDA
REGULAR AGENDA

11. MAYOR'S UPDATE

12. COMMUNICATIONS

- **COMM108EP_11_28_16** **Emergency Preamble** Ltr re: Licensing for Flammable Permits
- **COMM108_11_28_16** Ltr re: Licensing for Flammable Permits

13. ORDERS

- **ORDR076_09_12_16** Supplemental Budget Request #1 **(TABLED)**

- **ORDR085_11_28_16** Stop Sign Avon St & Alberta
- **ORDR086_11_28_16** Stop Signs for Chestnut St and Oak St
- **ORDR087_11_28_16** Resolution Girls' Soccer Team
- **ORDR088_11_28_16** Resolution Cross Country Team
- **ORDR089_11_28_16** Order of Taking - 223 High St

14. ORDINANCES

- **ODNC016_09_12_16** Plum Island Utility Fund (**SECOND READING**)

14. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR002_01_25_16** Accept Gift of \$25,000 Repairing Brown's Wharf Culvert (COTW)
- **ORDR009_02_08_16** Increase Fees for Fire Dept.
- **ORDR010_02_08_16** Increase Fines Parking Violations
- **ORDR039_05_31_16** Increase Hourly Parking Rate to \$1.50
- **ORDR079_09_26_16** Movie Location Order
- **ORDR080_09_26_16** **LATE FILE** Order of Taking Parking Facility
- **TRAN028_10_31_16** Rsv Appr (4,550,014.36) to PI Utility Fund (4,550,014.36)
- **TRAN029_10_31_16** PI Utility Fund (530,654.47) to Water EF (283,303.59) and Sewer EF (247,350.88) (B&F)
- **ORDR083_10_31_16** Tax Rate - Fiscal Year 2017
- **COMM103_11_14_16** Letter re: Morrill Foundation Funding Directive
- **COMM104_11_14_16** Letter re: Single Tax Rate

General Government

In Committee:

Joint Education

License & Permits

In Committee:

- **COMM010_01_25_16** Licensing Commission Acoustic & Amplified Entertainment
- **ODNC011_05_31_16** Amend Transient Vendors for Cashman (COTW)
- **ODNC013_07_11_16** Amend Outdoor Seating (Two Year Renewals)
- **ORDR079_09_26_16** Movie Location Order

Neighborhoods and City Services

In Committee:

- **ODNC001_01_11_16** Amend Ch11 Parks and Recreation (COTW)
- **ORDR048_06_13_16** Sidewalk Order
- **COMM099_10_31_16** Proposed Improvement in Our Scenic Byway

Planning & Development

In Committee:

- **COMM020_02_08_16** Memo re: Hiring Process for Building Commissioner
- **COMM076_07_11_16 LATE FILE** Boyd Drive Petition
- **ODNC014_08_08_16** Zoning Amend Sidewalks/Trees Sec XI-K et al
- **ORDR078_09_26_16** Titcomb Street Order
- **ORDR080_09_26_16 LATE FILE** Order of Taking Parking Facility
- **COMM091_10_11_16** Ltr to Council from J. Sweet on ZBA
- **COMM096_10_31_16** Draft of Newburyport's Master Plan

Public Safety

In Committee:

- **ODNC015_08_29_16** 25 MPH Speed Zones
- **ORDR077_09_12_16** Parking Restricted on Daniel Lucy Way
- **COMM098_10_31_16** Use of Streets for "Most Pine Boards Broken in One Minute"
- **COMM101_11_14_16** Walk MS Newburyport on 4/1/2017
- **COMM102_11_14_16** Ladies Night Out Run on 12/3/2016
- **ORDR084_11_14_16** Add Fruit Street to 2-Hr Residential Zone

Public Utilities

In Committee:

- **COMM060_05_31_16** Mobilitie, LLC Highway Access Permit
- **TRAN028_10_31_16** Rsv Appr (4,550,014.36) to PI Utility Fund (4,550,014.36)
- **TRAN029_10_31_16** PI Utility Fund (530,654.47) to Water EF (283,303.59) and Sewer EF (247,350.88)

Rules Committee

In Committee:

15. GOOD OF THE ORDER

16. EXECUTIVE SESSION

17. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
NOVEMBER 14, 2016

7:15 PM
Tax Classification Hearing

7:30PM

The City Council President, Thomas O'Brien, called the meeting to order at 7:30pm. A moment of silence was held for Matthew Eaton, Paula O'Neil, and Barbara Olney, followed by the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Vogel, Zeid, Cameron, Connell, Cronin, Earls, Eigerman, Giunta, Tontar, O'Brien. 10 present, 1 absent (Devlin).

(Sound Check)

1. **MOMENT OF SILENCE**
2. **PLEDGE OF ALLEGIANCE**
3. **CALL TO ORDER**
4. **LATE FILE ITEMS Mayor's Update, Map and handout for Plum Island**
5. **PUBLIC COMMENT**
 1. Ann Ormond 38R Merrimac Street Single Tax
 2. Bryan Callahan 29 Warren Street Morrill Fund
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**

October 31, 2016 (Approve)
Motion to remove by Councillor Cronin.
8. **TRANSFERS**
 - **NONE**
9. **COMMUNICATIONS**
 - **COMM101_11_14_16** Walk MS Newburyport on 4/1/2017 (PS)
 - **COMM102_11_14_16** Ladies Night Out Run on 12/3/2016 (PS)
Motion to remove by Councillor Eigerman. Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Cameron. So voted.
 - **COMM103_11_14_16** Letter re: Morrill Foundation Funding Directive (B&F)
 - **COMM104_11_14_16** Letter re: Single Tax Rate (B&F)
10. **APPOINTMENTS**
 - **NONE**

END OF CONSENT AGENDA

REGULAR AGENDA

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

Councillor Cronin requested that Councillor Connell's name be spelled out on page 4 of the October 31st minutes.

11. MAYOR'S UPDATE

Motion to receive and file by Councillor Zeid, seconded by Councillor Vogel. So voted.

12. APPOINTMENTS

Second Reading Appointments

- **APPT076_10_31_16** Jill Brennan 24 Webster St, Haverhill Assessor 1/1/2018

Re-Appointments

- **APPT077_10_31_16** Kathleen Chase 2 Belcher St Asst Treasurer 11/1/2019
- **APPT078_10_31_16** Dr. Barry Spiro 4 Lafayette St Disability Comm 11/1/2019

Confirmatory Appointments (Dates Transposed)

- **APPT071_10_11_16** Vaughn Abbott 61 Prospect St Cultural Cncl 10/1/2018
- **APPT074_10_11_16** Afroz Khan 85 Prospect St Cultural Cncl 11/1/2019

Motion to approve second reading appointments collectively by Councillor Cronin, seconded by Councillor Giunta. Roll call vote, 9 yes, 1 absent, 1 present (TO). Motion passed.

13. ORDERS

- **ORDR076_09_12_16** Supplemental Budget Request #1 (**TABLED**)
Motion to remove from table Councillor Tontar, seconded by Councillor Zeid. Motion to table by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **ORDR084_11_14_16** Add Fruit Street to 2-Hr Residential Zone
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Zeid. So voted. Councillor Eigerman announced there would be a meeting at the library on Tuesday, November 22nd, at 7:00pm.

14. ORDINANCES

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR002_01_25_16** Accept Gift of \$25,000 Repairing Brown's Wharf Culvert (COTW)
- **ORDR009_02_08_16** Increase Fees for Fire Dept.
- **ORDR010_02_08_16** Increase Fines Parking Violations
- **ORDR039_05_31_16** Increase Hourly Parking Rate to \$1.50
- **ODNC016_09_12_16** Plum Island Utility Fund

Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. Motion to amend by Councillor Tontar, seconded by Councillor Cameron. Motion for a friendly amendment, to add “both” to item D in the amendment proposed by the Budget & Finance Committee by Councillor Connell, seconded by Councillor Cameron. Motion to approve as amended by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 8 yes, 1 no (TO), 1 absent, 1 present (JE). Motion passed.

- **ORDR079_09_26_16** Movie Location Order
- **ORDR080_09_26_16 LATE FILE** Order of Taking Parking Facility
- **TRAN026_10_31_16** 2002 Overlay (25K) to Overlay Surplus (25K)
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.
- **TRAN027_10_31_16** Budget Ctgcy. (32,026.24) to Multiple Sal. Items (32,026.24)
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Giunta. Motion to approve by Councillor Tontar, seconded by Councillor Connell. Roll call vote, 9 yes, 1 absent, 1 present (TO). Motion passed.
- **TRAN028_10_31_16** Rsv Appr (4,550,014.36) to PI Utility Fund (4,550,014.36)
- **TRAN029_10_31_16** PI Utility Fund (530,654.47) to Water EF (283,303.59) and Sewer EF (247,350.88) (B&F)
- **ORDR082_10_31_16** Residential Factor - Fiscal Year 2017
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Motion to approve a Residential Factor of 1 by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent. Motion passed.
- **ORDR083_10_31_16** Tax Rate - Fiscal Year 2017

General Government

In Committee:

Joint Education

Meeting at Newburyport High School Rm 118 on December 5, 2016 at 5:30pm.

License & Permits

In Committee:

- **COMM010_01_25_16** Licensing Commission Acoustic & Amplified Entertainment
- **ODNC011_05_31_16** Amend Transient Vendors for Cashman (COTW)
- **ODNC013_07_11_16** Amend Outdoor Seating (Two Year Renewals)
- **ORDR079_09_26_16** Movie Location Order
- **COMM100_10_31_16** RL Currie Corp - Secondhand Vehicle License
Motion to remove from License & Permits by Councillor Vogel, seconded by Councillor Tontar. Motion to approve by Councillor Vogel, seconded by Councillor Tontar. So voted.

Neighborhoods and City Services

In Committee:

- **ODNC001_01_11_16** Amend Ch11 Parks and Recreation (COTW)
- **ORDR048_06_13_16** Sidewalk Order
- **COMM099_10_31_16** Proposed Improvement in Our Scenic Byway

Planning & Development

Councillor Cameron stated that there would be a meeting on the Master Plan.

In Committee:

- **COMM020_02_08_16** Memo re: Hiring Process for Building Commissioner
- **COMM076_07_11_16 LATE FILE** Boyd Drive Petition
- **ODNC014_08_08_16** Zoning Amend Sidewalks/Trees Sec XI-K et al
- **ORDR078_09_26_16** Titcomb Street Order
- **ORDR080_09_26_16 LATE FILE** Order of Taking Parking Facility
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- **ODNC015_08_29_16** 25 MPH Speed Zones
- **ORDR077_09_12_16** Parking Restricted on Daniel Lucy Way
- **COMM098_10_31_16** Use of Streets for "Most Pine Boards Broken in One Minute"

Public Utilities

In Committee:

- **COMM060_05_31_16** Mobilitie, LLC Highway Access Permit
- **ORDR075_09_12_16** Resolution on Boyd Drive Development
Motion to remove from Public Utilities by Councillor Eigerman, seconded by Councillor Zeid. Motion to receive and file by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **ODNC016_09_12_16** Plum Island Utility Fund
Motion to remove from Public Utilities by Councillor Eigerman, seconded by Councillor Zeid. Motion to receive and file by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **TRAN028_10_31_16** Rsv Appr (4,550,014.36) to PI Utility Fund (4,550,014.36)
- **TRAN029_10_31_16** PI Utility Fund (530,654.47) to Water EF (283,303.59) and Sewer EF (247,350.88)

Rules Committee

In Committee:

17. GOOD OF THE ORDER

18. EXECUTIVE SESSION

None

19. ADJOURNMENT

Motion to adjourn by Councillor Cameron, seconded by Councillor Zeid. 8:14pm.

COMMUNICATIONS



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 NOV 17 P 6:51

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: November 17, 2016
Subject: Fiscal Year 2017 Tax Rate

As presented by City Assessor, Dan Raycroft, during the annual tax classification hearing, our FY2017 estimated tax rate is \$13.45 per \$1,000 based on a tax levy \$53,021,972 and a city-wide valuation of \$3,942,154,029. This tax rate represents a \$0.06 per \$1,000 increase over FY2016 and brings the City to the maximum tax rate allowable under Proposition 2 ½.

Based on the FY2017 revaluation, the average single family home in Newburyport is now assessed at \$540,300, compared to \$520,487 in FY2016, resulting in an average tax bill of \$7,267. This represents a \$298 or 4.3% increase over last year, compared to an average annual increase of \$377 or 6.1% that was experienced over the past three years as debt was issued to fund the two school projects and the Senior/Community Center.

Taxing to the full levy capacity provides the City with an opportunity to provide greater funding for our public schools as we work to restore programs, such as world language, that were cut back over the past decade. I presently believe that it is not the right time to seek a tax override due to the financial impact it would have on residents. Therefore, I am confident that the increased funding provided by this tax rate will help *continue* to move our public schools forward, while maintaining the core municipal services that our community relies on and deserves.

Thank you for your consideration.

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

November 22, 2016

Dear Members of City Council,

2016 NOV 22 P 12:21

I, Kathleen Hickey, have organized a group of parents who would like to teach peaceful assembly to our children. Families for Peace is planning to assemble on January 20th at 12:15 to 1pm at the "bullnose" of Market Square. We plan to sing songs with our children, show signs of peace that they made, and hopefully be joined by community leaders in Newburyport to spread our message of peace, unity, and inclusion.

We are asking to set up two tables for artwork, as well as the ability to have a microphone and speaker. Lastly, we'd like to sell pins of the children's artwork for a local charity that hasn't been picked yet.

Thank you for your consideration,

Kathleen Hickey
442 Merrimac St

Unfunded Mandates

FY16		
\$ 7,115,453	→	Special Education
\$ 548,495	→	Special Education Transportation
\$ 157,300	→	Special Education Circuit Breaker; often funded below 75% <i>this is the added reimbursement @100%</i>
<i>50 hours</i>	→	504 Plan Accommodations
\$ 120,600	→	Transportation; under 2 miles grades K-6 required but no longer reimbursed
<i>1952 hours</i>	→	New Educator Evaluation; required time, professional development and technology
<i>2,440 hours</i>	→	District Determined Measures (DDM); part of new evaluator system; time and professional development
\$ 30,000	→	New state curricula for Math & English; required professional development, time, new materials and funds for materials
\$ 100,000	→	New Science Standards; require professional development, time and funds for materials
\$ 18,875	→	PARCC Assessment; requires time, professional development, technology and support
\$ -	→	Bullying Prevention; requires time and professional development
\$ 7,922	→	RETELL; English Language Learner related licensure requirement for teachers
<i>1832 hours</i>		significant number of hours required
FY15	→	PreK-K Assessment - MKEA; requires time, professional development and technology
\$ 54,022	→	DESE Reporting Requirements; time and IT/staff to prepare data
\$ 3,450		<i>SIMS/EPIMS; Student & staff date uploads/ SIFF to DESE requires time and staff</i>
\$ 1,725	→	Civil Rights Data Collection; every 2 years, requires time and staff
\$ -	→	Technology - Wi-Fi and hardware; required for testing
\$ -	→	Expelled/Suspended Students; new obligations to serve students who would have been expelled no buses in FY16
\$ 1,200	→	Homeless Transportation;
<i>125 hours</i>	→	Home Schooling; requires administrative time
\$ 1,725	→	Ethics Reform Act; requires time for staff and recordkeeping
\$ 3,450	→	Fingerprinting; Staff time and cost to employees as well as recordkeeping <i>Initial implementation was time consuming</i>
<i>150 + hours</i>	→	DCF Support; lack of funding makes school response to student need difficult
\$ 7,210	→	Coordinated Program Review; very time consuming
	→	Building/Safety Codes; Revisions are costly
	→	Disable Access; Requires funding
	→	Health Insurance; City Side
	→	OPEB; Other Post-Employment Benefits; City Side
\$ 50,000	→	School Lunch Program; Requirement with state and federal nutritional standards has decreased program revenue causing significant shortfalls
\$ 8,221,427		<i>* originally reported by Christopher Farmer, Triton Regional School District (modified)</i>

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

COMMUNICATIONS

111- - - - -
RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2016 NOV 22 P 5:4

Dear Council President O'Brien,

Would you kindly consider a measure to put on the City Council agenda for 11/28/16, relative to the Licensing Authority for Flammable Permits (The City Council) in regards to 185 Merrimac Street aka 1 Kent Street? "In order to apply for a new License or to change the conditions or restrictions of an existing License, the applicant must apply for approval or disapproval from the head of the local fire department. Whether the local fire official approves or disapproves the application, the next step is a Public hearing on the application. In this

particular instance THERE IS (7)
a significant change to the permit
and a Public Hearing MUST take place.

All I would ask and hope for
is that the proper Public Hearings
and procedure is followed to the
"Letter of the Law" in regards to the
MA General Law Chapter 148 Section 13
and 527 CMR Fire Prevention Code.

I submit 5 pages of documents
in support of my claim that this
MUST go through the ONLY Licensing
Authority on Flammable Permits, that
is the City Council. Thank you for
your attention to this matter.

Robert W. Gemina

* Ownership transfer only.



FP-002
(Rev. 1.1.2015)

The Commonwealth of Massachusetts
City/Town of Newburyport

License

Massachusetts General Law, Chapter 148 §13

New License Amended License

GIS Coordinates
LAT. _____
LONG. _____
License Number _____

After notice and hearing, and in accordance with Chapter 148 of the Mass. General Laws, a license is hereby granted to use the land herein described for the purposes described.

Location of Land: 1 Kent St
Number, Street and Assessor's Map and Parcel ID

Owner of Land: 1 Kent Street LLC

Address of Land Owner: 720 Lafayette Rd, Seabrook, NH 03874

Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases. All tanks and containers are considered full for the purposes of licensing and permitting. (Attach additional pages if necessary.)

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums
<u>gasoline</u>	<u>MV</u>	<u>8000</u>	<u>8000</u>	<u>UST</u>
<u>gasoline</u>	<u>MV</u>	<u>4000</u>	<u>4000</u>	<u>UST</u>
<u>gasoline</u>	<u>MV</u>	<u>4000</u>	<u>4000</u>	<u>UST</u>

LP-gas (Complete this section for the storage of LP-gas or propane)

❖ Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____
List sizes and capacities of all aboveground containers used for storage NA

❖ Maximum quantity (in gallons) of LP-gas to be stored in underground containers: _____
List sizes and capacities of all underground containers used for storage _____

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks (Complete this section for the storage of fireworks)

❖ Maximum amount (in pounds) of Class 1.3G: _____
❖ Maximum amount (in pounds) of Class 1.4G: NA
❖ Maximum amount (in pounds) of Class 1.4: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY POSTED ON THE LAND FOR WHICH IT IS GRANTED.

Explosives (Complete this section for the storage of explosives)

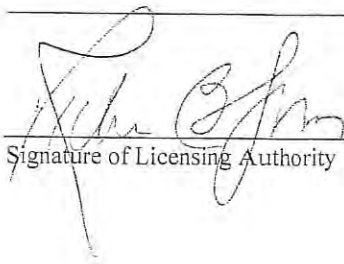
- | | |
|--|---|
| ❖ Maximum amount (in pounds) of Class 1.1: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.2: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.3: <u>NA</u> | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.4: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.5: _____ | Number of magazines used for storage: _____ |
| ❖ Maximum amount (in pounds) of Class 1.6: _____ | Number of magazines used for storage: _____ |

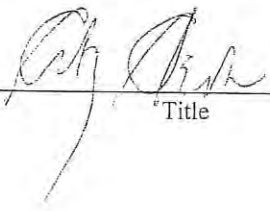
Licensing Authority Use:

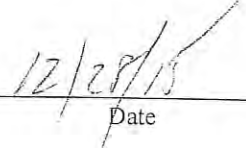
This license is granted upon the condition that the licensed activity will comply with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts General Law, Chapter 148, and the Massachusetts Fire Code (527 CMR 1.00) as amended. The license holder may not store materials in an amount exceeding the capacities herein specified unless and until any amended license has been granted.

ADDITIONAL RESTRICTIONS:

Ownership transfer only


Signature of Licensing Authority


Title


Date

THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICUOUSLY POSTED ON THE LAND FOR WHICH IT IS GRANTED.

A GUIDE FOR MUNICIPAL OFFICIALS ON LICENSING THE STORAGE OF FLAMMABLES, COMBUSTIBLE and EXPLOSIVES

Licenses, Registrations and Permits

The purpose of this document is to provide guidance to fire departments, local licensing authorities, and municipal clerks on licenses, registrations and permits for the storage of flammable, combustible, or explosive materials in accordance with Massachusetts General Law (MGL) Chapter 148 and the Board of Fire Prevention Regulations, Code of Massachusetts Regulation (CMR), 527 CMR 1.00 Table 1.12.8.50.

- A *license* is the permission by competent authority to do an act which, without such permission, would be unlawful, a trespass, or a tort. A storage license is applied for and granted by the local licensing authority. The license is granted to the land and not to an individual. Only one license may be issued to a parcel of land. This license may be amended to reflect changes in quantity, conditions or restrictions. The license may be revoked or suspended for cause by the issuing authority. Information pertaining to the license and the license shall be maintained by the city or town clerk.
- A *registration* is the acknowledgement by competent authority of the act of recording a formal or official record. A storage registration is filed annually with the local city or town clerk. The registration serves solely to notify the community of the present license holders name and address. Only one registration may be granted for each license. Records of registration shall be maintained by the city or town clerk.
- A *permit* is a written authority or warrant, issued by a person in authority, empowering a person to do some act not forbidden by law but not allowable without such grant of authority. The law allows certain small quantities of flammable and combustibles to be kept or stored on the land without a license, but with a permit granted by the head of the fire department. 527 CMR 1.00 Table 1.12.8.50 requires a permit in addition to the license.

The following are definitions related to the terms "flammable or combustible".¹

Combustible liquid: Any liquid having a flash point at or above 100°F shall be known as a Class II or Class III Liquid. Combustible liquids shall be divided into the following classifications:

Class II: Liquids having flash points at or above 100° and below 140°F.

Class IIIA: Liquids having a flash point at or above 140°F and below 200°F.

Class IIIB: Liquids having a flash point at or above 200°F.

Flammable Liquids: Any liquid having a flash point below 100° F and having a vapor pressure not exceeding 40 psia at 100°F. Flammable liquids shall be known as Class I liquids and shall be divided into the following classifications.

Class IA: Liquids having flash points below 73°F and having a boiling point below 100°F.

Class IB: Liquids having flash points below 73°F and having a boiling point at or above 100°F.

Class IC: Liquids having flash points at or above 73°F and below 100°F.

The authority for the keeping and storage of flammables, combustibles, and explosives, is section 13, of Chapter 148, M.G.L. This General Law is rather lengthy; this document references only the relevant sections. In order to apply for a new license or to change the conditions or restrictions of an existing license, the applicant must apply for approval or disapproval from the head of the local fire department. Whether the local fire official approves or disapproves the application, the next step is a public hearing on the application. Not less than seven days prior to a public hearing it must be advertised in a newspaper published in the English language. At the applicants expense, all abutters and owners of real estate must be notified by registered mail not less than seven days prior to the hearing at which the licensing authority acts on the license application.

A licensing authority may prescribe conditions or restrictions to a license.

Any such license granted hereunder shall be subject to such conditions and restrictions as may be prescribed in the license by the local licensing authority, which may include a condition that the license be exercised to such extent and within such period as may be fixed by such authority.²

A certificate of registration must be filed annually on or before April thirtieth by the owner/occupant of the land who holds (exercises) the license. This informs the licensing authority that the license is still being exercised, and the name of the person or entity exercising the license.

The Board of Fire Prevention Regulations has been granted the authority to exempt certain quantities of the articles (flammables, combustibles, and explosives), articulated in section 9 of Chapter 148, from licensing, and registration.³ These exemptions may be found in the relevant sections of 527 CMR 1.00 governing the articles to be stored.

Every license granted, and every certificate of registration filed under Section 13, is deemed to be granted or filed upon condition that if the land described in the license ceases to be used for the aforementioned uses, the holder of the license shall within three weeks after such cessation eliminate, in accordance with rules and regulations of the board, all hazardous conditions incident to cessation.⁴

Abandoned, as used here, means any tank and piping without use, either filling or draw off for a continuous period:

- (1) Any tank \leq 10,000 gallons for a continuous period in excess of 12 months.
- (2) Any above ground storage tank > 10,000 gallons for a continuous period in excess of 60 months and in compliance with 502 CMR 5: Permit Requirements and Annual Inspection of Above Ground Storage Tanks or Containers of More than Ten Thousand Gallons' Capacity.

If it is determined that a fire or explosion hazard exists or is likely to exist as the result of the continued exercise of a license, the local fire chief may issue a cease and desist order.

The fire chief shall order reasonable measures to protect the safety of the public from the hazards of a fire or explosion. Any measures so ordered are at the expense of the license holder.

"When a fire or explosion hazard exists or is liable to exist due to the exercise of such license, the marshal or head of the fire department, shall issue an order to the licensee to cease and desist in the exercise of such license and said marshal or said head of the fire department shall direct that reasonable measures to insure safety to the public be undertaken at the expense of the holder of such license."⁵

The first paragraph of section 13, Chapter 148, speaks of certain articles named in section 9 of Chapter 148, that are subject to regulation. Section 9, names the articles subject to regulation by license or permit.

"The board shall make rules and regulations for the keeping, storing, use, manufacture, sale, handling, transportation or other disposition of gunpowder, dynamite, crude petroleum or any of its products, or explosive or inflammable fluids or compounds, tablets, torpedoes or any explosives of a like nature, or any other explosives, fireworks, firecrackers, or any substance having such properties that it may spontaneously, or acting under the influence of any contiguous substance, or of any chemical or physical agency, ignite, or inflame or generate inflammable or explosive vapors or gases to a dangerous extent, and may prescribe the location, materials and construction of buildings to be used for any of the said purposes. Such rules and regulations shall require persons keeping, storing, using, selling, manufacturing, handling or transporting dynamite or other high explosives to make reports to the department in such particulars and in such detail that the quantity and location thereof will always be a matter of authentic record in the department..."⁶

The first paragraph of section 9 of Chapter 148, states that the Board of Fire Prevention Regulations shall make rules and regulations for the keeping, storing, use, manufacture, sale, handling, transportation or other disposition of the articles name. The Board has made these Rules and Regulations with the Code of Massachusetts Regulations 527 CMR 1.00. These regulations allow the storage of certain quantities of materials to stored without a license, but subject to permit issued by the head of the fire department.

Regulation 527 CMR 1.00 Section 1.12.8.50.1, requires a permit for the storage of any flammable fluid, solid or gas. This permit is to be obtained from the head of the fire department, as provided by M.G.L. c.148, s.10A and 23. The head of the fire department may restrict the quantities to be stored under the permit.

What this means is that a permit **in addition to a license**, a permit is required from the head of the fire department for the storage of flammable and combustible fluids. The head of the fire department may reduce the quantity of product allowed by permit but may not increase the quantity beyond that allowed by the regulation.

Exceptions to the permit process are granted to certain persons for the storage and use of and use of limited quantities of flammables, combustible. These exemptions may be found in the relevant sections of 527 CMR 1.00 governing the articles to be stored.

Important Points

- A license for the storage of flammable or combustible fluids in quantities in excess of those allowed by regulation is granted by the local licensing authority after approval or disapproval by the head of the fire department and after a public hearing. A permit is granted by the head of the fire department.
- A license is not owned by an individual as a personal privilege. A license once exercised is a grant which runs with the land. The permanent record of a license is to be recorded and maintained by the city or town clerk.
- A permit from the head of the fire department is required in addition to a license for the storage of materials regulated under 527 CMR 1.00 Table 1.12.8.50 .
- A certificate of registration is annually filed by the holder or occupant of licensed land to inform the city or town clerk to record (register) the license as still active and being exercised.
- A city or town may develop its own form for the actual license and registration. The form of the license and registration must contain, as a minimum, that information contained in Department of Fire Services Fire Prevention Forms, FP-002, License and FP-005, Registration respectively.
- A license, when exercised, is a grant running with the land. A parcel of land may only have one license for the storage of flammable or combustible fluids.
- If the conditions, capacities or restrictions authorized by a license are changed, an amended license must be obtained. A new application must be submitted to the local licensing authority, the head of the local fire department must approve or disapprove, and a public hearing must be held. If granted, the amended license supersedes and replaces the old license, and will show the aggregate total capacities allowed under the grant. The terms and conditions of the new license now prevail. The license must be plainly posted on the premises.
- A certificate of registration is the vehicle used by the license holder or occupant of licensed land to notify the city or town town clerk annually, before April thirtieth, that a license is in use and currently being exercised. If a registration is not applied for and issued, after three weeks, it may be viewed as cessation and cause for review of the license. A registration must be plainly posted on the premises.

¹ 527 CMR 1.00: Sections 3.3.165.1, 3.3.165.2

² Massachusetts General Law, Chapter 148 § 13, Paragraph 3

³ Massachusetts General Law, Chapter 148 § 13, Sentence 2

⁴ Massachusetts General Law, Chapter 148 § 13, Paragraph 3

⁵ Massachusetts General Law, Chapter 148 § 13, Paragraph 6

⁶ Massachusetts General Law, Chapter 148 § 9



CITY OF NEWBURYPORT

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

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

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

PERMIT APPLICATION FOR RIGHT OF WAY/UTILITY/TRENCH/ELECTRICAL ACCESS

BRING THIS COMPLETED APPLICATION TO DPS AT 16A PERRY WAY TO OBTAIN PERMIT

Project Street: private property Project Name (if different): _____

Today's Date: 11/15/16 Length of Trench/Curb cut: _____ Dig Safe #: 2016-450-8934

Name of Applicant: CommTank Inc Phone #: 617-628-8260

Street Address: 84 New Salem Street City: Wakefield State: MA Zip Code: 01880

Name of Excavator: CommTank Inc Phone #: 617-628-8260

Street Address: 84 New Salem Street City: Wakefield State: MA Zip Code: 01880

Phone #: 617-628-8260 MA Hoisting License #: HE100698 License Grade: 2A/C Exp. Date: 4/6/17

Name of Property Owner: 1 Kent Street LLC / Newburyport Phone #: 603-474-0510

Street Address: 185 Merrimack Street City: Newburyport State: MA Zip Code: 01950

Insurance Certificate #: EPR114574 Exp. Date: 10/23/17 Name of Insurer: Elliot Whittier Insurance

Name of Competent Person (as defined by 520 CMR 7.02): Kevin M. Hoar

Description, location, and purpose of proposed work: Please describe the location of the proposed work and its purpose. If applicable provide a description of what is intended to be laid (e.g. pipes/cable lines, etc.)

replace underground storage tank's within the footprint of the property. The storage tank is located at the intersection of the old tank & _____

Type of Permit: (check all that apply) Approved permits are valid for 30 days from approval date.

- Sidewalk ROW Opening / Fee \$100
- Street ROW Opening/Fee \$100 plus \$2.00/sq/ft
- ROW Occupancy (dumpster, staging)/Fee \$50 per wk.
- Sidewalk Partnership Replacement Program / No Fee
- Electricity Access Permit / Fee \$25 per day/\$300 per mo.
- Sewer Service (new, repair, replace) Fee varies
- Water Service (new, repair, replace) Fee varies
- Curb Cut/Fee \$100 per application-DPS reviews
- Special Events(trash/staging) \$45 per hr/employee

Additional Information: (if checked, must be approved/initialled by DPS)
 Road Detour / Road Closure Storage of Materials on Private Way
 Disrupting Resident Right of Way (must attain abutter list)

Water Dept. Signature & Date: _____

Highway Dept. Signature & Date
(Final Approval/Denial)
[Signature]
11-17-16

Sewer Dept. Signature & Date: _____

Special Comments/Conditions:

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

September 12, 2016

ORDERED:

THAT the City Council of the City of Newburyport approves the Mayor's Fiscal Year 2017 **Supplemental Budget Request #1** in the total amount of **\$12,532.88**.

General Fund:	\$10,190.57
Water Enterprise Fund:	\$1,171.15
Sewer Enterprise Fund:	\$1,171.16

Councilor Charles F. Tontar

In City Council October 11, 2016:

Motion to take separately by Councillor Devlin, seconded by Councillor Vogel. So voted. Motion to amend to strike by Councillor Devlin. Withdrawn. Motion to approve \$3,513.46 for DPS Director by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion to refer remaining amount to table by Councillor Tontar, seconded by Councillor Devlin. So voted.



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

To: President and Members of the City Council
From: Donna D. Holaday
Date: September 12, 2016
Subject: Supplemental Budget Request #1

At the conclusion of the FY17 budget approval process there remained \$18,685 in unallocated estimated general fund revenue. My Supplemental Budget Request #1 utilizes \$10,191 of the unallocated general fund revenue, as well as, \$1,171 from water enterprise fund receipts and \$1,171 from sewer enterprise fund receipts.

Since the approval of the FY17 budget, we have renewed and extended two department head contracts and performed a market analysis on a third position. Accordingly, I respectfully request the following items as a Supplemental Budget Request:

- Human Resources Director
Amount: \$5,069.42
Rationale: To bring the salary closer to market level.
- Fire Chief
Amount: \$3,950.00
Rationale: To align stipends with City Marshal contract.
- DPS Director
Amount: \$3,513.46
Rationale: To raise salary, extend contract.

The Supplemental Budget Request totals \$12,532.88 which, as mentioned above, will be covered by unallocated revenue from the FY17 budget process. I look forward to discussing the funding needs in further detail when this request is referred to the Budget and Finance Committee for their review.

Thank you for your consideration.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date: November 22, 2016

THAT the City Council of the City of Newburyport hereby orders, pursuant to Code Section 13-136, that the following street shall be designated as a stop intersection:

Street: Avon Street

Intersection: Northeasterly drivers at the intersection of Avon Street and Alberta Street

Furthermore, the City Clerk shall add this stop intersection 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



IN CITY COUNCIL

ORDERED:

Date: November 22, 2016

THAT the City Council of the City of Newburyport hereby orders, pursuant to Code Section 13-136, that the following streets shall be designated as stop intersections:

Street: Chestnut Street

Intersection: Southeasterly drivers at the intersection of Chestnut Street at Marlboro Street

Street: Oak Street

Intersection: Northwesterly drivers at the intersection of Oak Street at Marlboro Street

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

Councillor Sharif I. Zeid

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 22, 2016

Whereas the Newburyport Girls Soccer Team worked tirelessly to refine their soccer skills during the 2016 season, and

Whereas this same team was able to make it to the State Semi-Finals with extremely competitive play, and

Whereas this Soccer Team had an exemplary record of 17-2-3, and

Whereas the leadership of Coaches Sheridan and Gonnam have inspired the dedication and achievements of this same team,

Now, Therefore, The Newburyport City Council hereby resolves to recognize this considerable achievement by the Soccer Team and its Coaches and offers its heartfelt thanks for the considerable contributions to our community.

Councillor Barry N. Connell

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 22, 2016

Whereas, the Newburyport Cross Country Team has continued to achieve winning seasons, and

Whereas, the 2016 Cross Country Team has placed third in the overall standings at the MIAA All State finals in Gardner, MA, and

Whereas, the 2016 Cross Country Team has won the Division 2 Title, and

Whereas, the individual State Championship title was won by Jack Carleo of this same Cross Country Team. Carleo turned in a time of 16:20 to join his older brother Nick (2014) and Molly Landreth (2000) as the only three Clippers to achieve the feat, and Sam Acquaviva, a sophomore, placed Fourth (16:44) at this same event, and

Whereas, the 2016 Cross Country Team also won the Division 5 State Meet in Wrentham, Ma, and

Whereas, Coach Hennigar and his staff continue to produce outstanding teams and provide inspiring role models for the youth of our City,

Now, Therefore, The Newburyport City Council hereby formally resolves to congratulate and recognized the considerable achievements resulting from the tremendous hard work and dedication of all of the runners and outstanding Coaches!

Councillor Barry N. Connell

CITY OF NEWBURYPORT



IN CITY COUNCIL

November 28, 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 223 High Street for open space and recreation purposes, including the construction and operation of a municipal ballfield, in accordance with the attached draft "Order of Taking." Further, that the Council President is hereby authorized to sign said Order of Taking in its final form 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 Robert J. Cronin

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 29th day of August, 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 and Chapter 40, Section 14 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 on behalf of the City, for open space and recreation purposes, including the construction and operation of a municipal ballfield, that parcel of land located at **223 High Street**, Newburyport, Essex County Massachusetts depicted as "Open Space Parcel 'Exclusive Use in Favor of City of Newburyport'", on the plan entitled "Lot Layout Plan, Hamilton Estates, Newburyport, MA. 01950, Prepared For Dr. Douglas A. Wine & Deborah Esteves Wine," prepared by Oculus, LLC., 15 Main Street, Salisbury, MA 01952, dated 04/05/10 with a most recent revised date of 9/04/12, a copy of which plan is attached hereto as Exhibit A. Said parcel consists of approximately 30,768 square feet of land as shown on said plan.

A certified copy of said vote is attached hereto as Exhibit B and recorded herewith.

The lands affected by the herein taking are owned or supposedly owned by Gail Fons, Trustee, Manchester Capital Partners Trust #4, 2 Coventry Road, Atkinson, NH 03811 (Book 33938, Page 275), subject to a mortgage granted to Mark E. Wojcicki and Bradley M. Kutcher, Trustees of Elite Builders Realty Trust recorded with the aforesaid Registry in Book 33938, Page 282, as assigned to Newburyport Five Cents Savings Bank by instrument recorded with said Registry in Book 33938, Page 306, and as further subject to a mortgage granted to John T. O'Malley recorded with said Registry in Book 34392, Page 492. If in any instance the name of the Owner is not correctly stated, it is understood that in such instance the land referred to is owned by an Owner or Owners unknown to us.

We hereby award \$30,000 in damages to said owners for the herein taking. 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 August, 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 August, 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)

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this ____ day of August, 2016, before me, the undersigned Notary Public, personally appeared _____, Mayor 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)

TOWER & REPLACEMENT
 223 SQ. FT. AREA & 223 SQ. FT. REPLACEMENT
 NEWBURYPORT, MA 01960

ADDRESS ONLY MAP
 NO. 26 (1) 90-4

CONVEYANCE INSTRUMENT
 1978-1 BULK 1144 (PAGE 10)

LOCAL LOT AREA
 41,176 SQ. FT. (0.94 ACRES)
 41,176 SQ. FT. (0.94 ACRES)
 41,176 SQ. FT. (0.94 ACRES)
 41,176 SQ. FT. (0.94 ACRES)
 41,176 SQ. FT. (0.94 ACRES)
 41,176 SQ. FT. (0.94 ACRES)

ZONING DIMENSIONAL TABLE (R II DISTRICT)

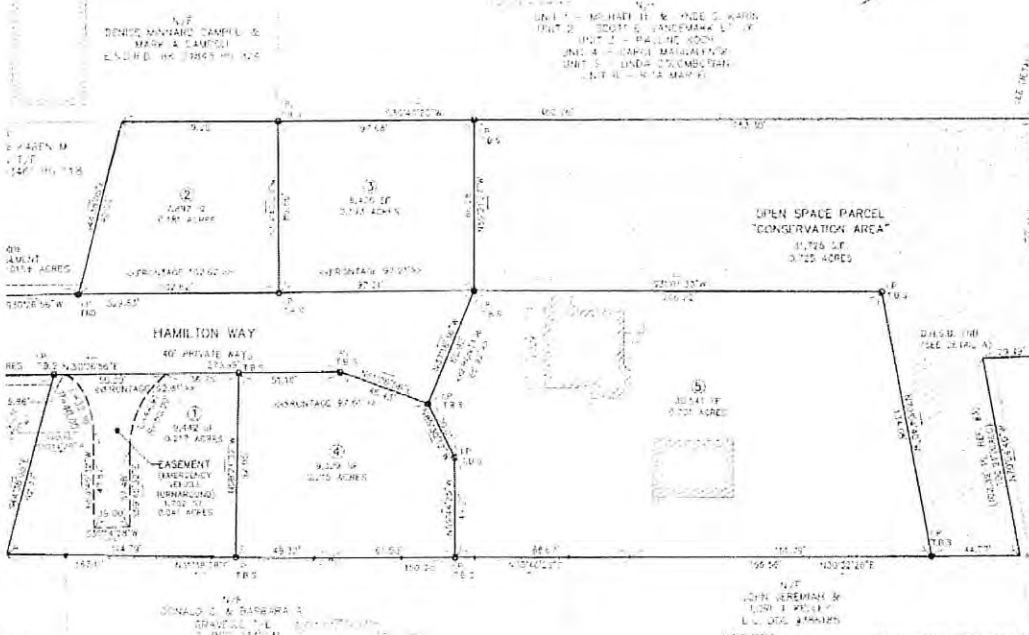
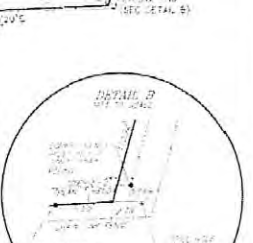
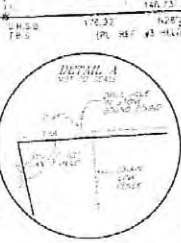
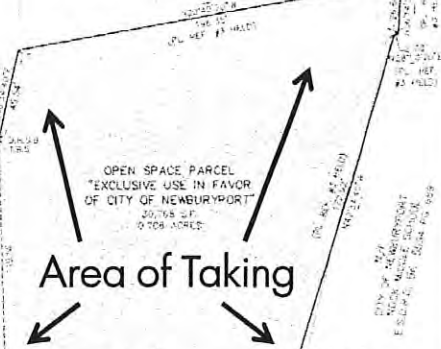
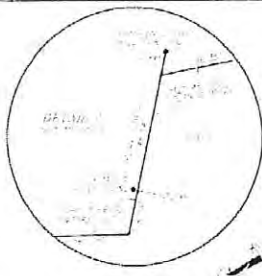
REQUIRED	LOT 1	LOT 2	LOT 3	LOT 4	LOT 5
LOT AREA (SQ. FT.)	10,000	7,840	7,840	7,840	7,840
LOT FRONTAGE (FT.)	77	77	77	77	77
MIN. SETBACK (FT.)	25	25	25	25	25
MIN. SIDEWALK (FT.)	75	75	75	75	75
MIN. DRIVEWAY (FT.)	25	25	25	25	25
MIN. DRIVEWAY (FT.)	25	25	25	25	25
MIN. DRIVEWAY (FT.)	25	25	25	25	25
MIN. DRIVEWAY (FT.)	25	25	25	25	25

REQUIRED REDUCTIONS OF DIMENSIONAL REQUIREMENTS PER SECTION 19A-11B OF THE CITY OF NEWBURYPORT ZONING ORDINANCE

FRANCIS E. LYONS
 E. 200-2
 2A 15065 PG 5/7

CHRISTIE SOGA
 L.O.D.M.
 96 15072 PG 26

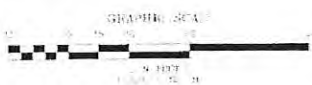
RICHARD V. TALARCIK
 107-2
 96 15072 PG 28



TOTAL LAND AREA=122,047 S.F.
 TOTAL OPEN SPACE=62,496 S.F. (51.0% OF THE TOTAL LAND AREA)
 EXCLUDED RIGHT OF WAY (SEE PLAN REFERENCE #1)

CITY OF NEWBURYPORT, MA
 PLANNING BOARD APPROVAL UNDER THE DEVELOPMENT CONTROL ACT, M.G.A. CH. 141A, § 11B
 APPROVED BY BOARD CHARTER #1 SECTION 97 B B
 9/12/12

MADE AT CORNER SOUTH DISTRICT RECORDS DEPARTMENT IN 2012
 11 LAND CONVEYANCE REQUIRED BY 9.12.12 MA 141A § 11B



BY RECORDS		LOT LAYOUT PLAN	
DATE	RECORDS	DATE	RECORDS
9-12-12	11	9-12-12	11
9-12-12	11	9-12-12	11
9-12-12	11	9-12-12	11

HAMILTON ESTATES
 NEWBURYPORT, MA 01960
 DEED #8
DR. DOUGLAS A. WINE & DEBRA ESTEVES WINE
OCULUS, LLC
 15 MAIN STREET, SALISBURY, MA 01922
 TELEPHONE: (978) 218-2932

DATE: 9-12-12
 SHEET NO: 3 OF 7

Exhibit A

Exhibit A

FRANCES E. LYONS
E.S.D.R.D.
BK 15066 PG 577

E.S.D.R.D.
BK. 15872 PG 26



ORDINANCES

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

AN ORDINANCE ESTABLISHING THE PLUM ISLAND UTILITY FUND

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

Chapter 2 Administration
Article VI Finance

Sec. 2-393 – Establishment of the Plum Island Utility Fund

- a) There is hereby established a trust fund known as the Plum Island Water/Sewer Utility Fund ("Plum Island Utility Fund").
- b) The Plum Island Utility Fund shall consist of the City of Newburyport's share of proceeds from the settlement agreement between the Commonwealth of Massachusetts and CDM Smith Inc.
- c) The City hereby established this Plum Island Utility Fund under the provisions of paragraph 2 of section III of the CDM Smith Inc. Settlement Agreement. Accordingly, the Plum Island Utility Fund shall be ONLY be used to pay costs and expenses arising from or related to the Plum Island Water/Sewer Utility Project ("Project"), including but not limited to the repair, modification, improvements, or optimization of the Project, and reimbursement of the City of Newburyport's insurers, including the MIIA Property & Casualty Group, Inc. ("MIIA") on terms arranged by the City of Newburyport.
- d) Appropriations from this fund shall be made at the recommendation of the Mayor with the approval of a two-thirds vote of the City Council.
- e) This section is adopted pursuant to section 5B, chapter 40 of Massachusetts General Law.

Submitted:

Councillor Charles F. Tontar
Chair, Budget & Finance Committee

In City Council November 14, 2016:

Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. Motion to amend by Councillor Tontar, seconded by Councillor Cameron. Motion for a friendly amendment, to add "both" to item D in the amendment proposed by the Budget &

Finance Committee by Councillor Connell, seconded by Councillor Cameron. Motion to approve as amended by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 8 yes, 1 no (TO), 1 absent, 1 present (JE). Motion passed.

COMMITTEE ITEMS

BUDGET & FINANCE COMMITTEE ITEMS

1. **TRAN028_10_31_16** – Rsv Appr (4,550,014.36) to PI Utility Fund (4,550,014.36) (with Public Utilities).
2. **TRAN029_10_31_16** – PI Utility Fund (530,654.47) to Water EF (283,303.59) and Sewer EF (247,350.88) (with Public Utilities).
3. **ORDR083_09_12_16** – Tax Rate – Fiscal Year 2017.
4. **COMM103_11_14_16** – Letter re: Morrill Foundation Funding Directive.
5. **COMM104_11_14_16** – Letter re: Single Tax Rate.



City of Newburyport

FY 2017

BUDGET TRANSFER REQUEST

bot & PL
MAILED
CITY OFFICE

2016 OCT 26 P 4:01

Department: Mayor's Office
Submitted by: Donna D. Holaday, Mayor **Date Submitted:** 10/31/2016

Transfer From:

Account Name	Rsv Appr - Legal Settlements	YTD Bal:	\$ 4,618,434.93
Account Number:	2745-59600	Trans In:	\$ -
Amount:	\$4,550,014.36	Trans Out:	\$ -
Why are Funds Available:	<i>The City received \$4,550,000 in settlement proceeds resulting from the settlement agreement between the Commonwealth of Massachusetts and CDM Smith Inc. The transfer amount also includes \$14.36 in accrued interest through 9/30/2016. Must be approved by a two-thirds vote of the City Council in accordance with M.G.L. c. 40, sec. 5B.</i>		

Transfer To:

Account Name	Plum Island Utility Fund	YTD Bal:	\$ -
Account Number:	8287-49700	Trans In:	\$ -
Amount:	\$4,550,014.36	Trans Out:	\$ -
Why are Funds Required:	<i>Paragraph 2 of section III of the CDM Smith Inc. Settlement Agreement requires that the settlement proceeds be placed into the Plum Island Utility Fund and spent in accordance with the terms of the agreement.</i>		

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

Donna D. Holaday

Ethan R. Manning

Date: 10/26/16
 Date: 10/26/16



City of Newburyport

FY 2017

BUDGET TRANSFER REQUEST

*bdf
po*

2016 OCT 26 P 4:01

Department: Mayor's Office
 Submitted by: Donna D. Holaday, Mayor Date Submitted: 10/31/2016

Transfer From:

Account Name	<u>Plum Island Utility Fund</u>	YTD Bal:	\$ 4,550,014.36
Account Number:	<u>8287-59600</u>	Trans In:	\$ -
Amount:	<u>\$530,654.47</u>	Trans Out:	\$ -
Why are Funds Available:	<u>Proceeds from CDM Smith Inc. Settlement Agreement. Must be approved by a two-thirds vote of the City Council in accordance with M.G.L. c. 40, sec. 5B.</u>		

Transfer To:

Account Name	<u>Water Enterprise Fund</u>	YTD Bal:	\$ 1,970,192.00
Account Number:	<u>60-49782</u>	Trans In:	\$ -
Amount:	<u>\$283,303.59</u>	Trans Out:	\$ -
Why are Funds Required:	<u>Reimbursement of costs and expenses arising from or related to the Plum Island Water/Sewer Utility Project, including \$219,089.91 in legal-related expenses and \$64,213.68 in repair costs, incurred from FY2013 to present.</u>		

Transfer To:

Account Name	<u>Sewer Enterprise Fund</u>	YTD Bal:	\$ 1,419,115.00
Account Number:	<u>61-49782</u>	Trans In:	\$ -
Amount:	<u>\$247,350.88</u>	Trans Out:	\$ -
Why are Funds Required:	<u>Reimbursement of costs and expenses arising from or related to the Plum Island Water/Sewer Utility Project, including \$216,811.03 in legal-related expenses and \$30,539.85 in repair costs, incurred from FY2013 to present.</u>		

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

Donna D. Holaday
Ethan R. Manning

Date: 10/26/16
 Date: 10/26/16

CF

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 31, 2016

THAT the City of Newburyport Tax Rate for Fiscal Year 2017 will be \$[] for all classes of property.

Councillor Charles F. Tontar
Chair, Budget & Finance Committee

ROBERT D. MORRILL
8396 SW SNAPDRAGON COURT
STUART, FLORIDA 34997

RECEIVED
OFFICE
NOV 8 2016

November 7, 2016

2016 NOV -8 P 12 5

Hon. Donna D. Holaday, Mayor
City of Newburyport
60 Pleasant Street
Newburyport, Massachusetts 01950

Re: Morrill Foundation Funding Directive

Dear Madam Mayor,

This letter is to advise the City that the trustees have deliberated over the projects presented at the Newburyport Senior Center Meeting on September 9, 2016 where we reviewed options for properly allocating the \$90,000.00 available for distribution in 2017.

First of all, I would personally like to express my appreciation to Mrs. Lise Reid for her time and effort in reviewing the status of current projects and completion schedules as well as giving clarity on the options projected for 2017.

We are in agreement on the following with certain noted stipulations:

1. Bartlet Mall Beautification and Boating Program - \$7000.00 to purchase a boat from Lowell's Boat shop for \$5000.00 and for daffodils to be planted along the back of the Mall slope which will be seen from High Street for \$2000.00. This allocation is predicated on the purchase of Phoenix Revolution Inc. water filtration equipment and the successful clean up of Frog Pond where goldfish can once again thrive.
2. Inn Street Beautification - Fencing - \$30,000.00 to purchase roughly 500 feet of commercial grade, ornamental fencing. The trustees noted that functionality is essential in the selected design as children have a way of easily stepping over low barriers.
3. Joppa Park Walkway Beautification - \$20,000.00 to initially establish a walkway along the Merrimack River Seawall. Over the years, The Foundation has supported a number of projects and personally received many positive comments from City Residents on its appearance as well as providing restful enjoyment. With this in mind, we viewed the main entrance with cement pavers and its current condition. The borders are not secure causing the separation of pavers and areas are sinking which may cause individuals difficult access and injury. As a result, The Parks Commission has been asked

to provide detailed installation specifications to The Foundation using brick pavers, traditionally used throughout The City, for approval prior to using any of the \$20,000.00 allocation.

4. Atkinson Common Perennials and Tree Planting - \$8,000.00 to provide, protect, enhance, preserve, and beautify this historic botanical landmark.
5. Tree Planting on High Street - \$4000.00 sought by Friends of Newburyport Trees. The proposed trees are to be planted near The Home for Aged Men. The location is noted as a High Street gateway into the City.
6. Turf Covers for Field and Lawn Renovation - \$4000.00 to regenerate fields and lawns, which receive extensive wear throughout The City Parks during each year. These reusable turf covers have proven results, which support their value.
7. Atkinson Common Tree Preservation Project - \$17,000.00 is to be used to fund the Bartlett Tree Experts Proposal to prune trees, remove dead limbs, remove three dead trees, and install 58 new supplemental support systems on specified trees throughout the Common.

I know that the City Council will have to formally accept these funds at its December meeting. After notification of their acceptance to all trustees, and the turn of the year, The Mayor Gayden W. Morrill Charitable Foundation will send a check to The City.

In the meantime, we hope that all in Newburyport will have a wonderful Thanksgiving, a Blessed Christmas, and a safe, joyous and prosperous New Year.

Sincerely,



Robert D. Morrill

cc: James Agrippa Morrill, James Astle Morrill, Mary Haslinger, Lise Reid, Robert R. Uhlig, Kimberly Turner, Geordie Vining, Jack Grady, Peter Demaranville



38A Merrimac Street, Newburyport, MA 01950
 O: 978-462-6680 F: 978-465-4145

www.newburyportchamber.org
 2015 NOV 8 10:08 AM
 info@newburyportchamber.org

November 1, 2016

Honorable Mayor Donna D. Holaday,
 Council President Thomas O'Brien and
 Members of the Newburyport City Council
 Newburyport City Hall
 60 Pleasant Street
 Newburyport, MA 01950

RE: Single Tax Rate

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

On behalf of the 750 members of the Greater Newburyport Chamber of Commerce & Industry, we ask for your continued support of the single tax rate in Newburyport. We offer the following key points in support:

- **The City's Master Plan recently released in draft form to the City Council lists one of its economic development goals as *ensuring that the supply and character of commercial space can adapt to a changing economy*.** According to the City Assessor, 86.6% of the City's tax base in FY 2016 is residential, with 13.4% commercial/industrial. Additional economic stress such as higher taxes may discourage new businesses from starting up or relocating here, or worse, force existing companies to relocate elsewhere where taxes are lower. **A dual tax rate is a hindrance to economic development.**
- **Commercial and industrial businesses are net contributors to the City** and use very few of the City services that residents enjoy, i.e., trash and recycling pick-up, schools, street lights, public safety services, sidewalk repair, etc.
- **As a border community, we continually face competition from neighboring New Hampshire as well as other cities and towns with lower tax rates.** A single tax rate is cited repeatedly as an incentive for businesses to locate in Newburyport.
- **An increase in taxes will translate in higher costs to retailers who already face enough stress on their businesses** (ongoing City construction, seasonal stresses, the winter of 2015, etc.). Many leases include real estate tax escalation clauses that allow landlords to pass any tax increases through to tenants immediately. Other landlords, while not that obvious, pass through real estate tax increases in the form of higher rents.
- **The Community Preservation Act (CPA), passed in 2003, levies a 2 percent surcharge on all properties for the preservation of open and recreational space, affordable housing and historic preservation. While residents have the first \$100,000 of their evaluations excluded from the assessment, commercial property owners do not receive this discount and are taxed at the full 100% of evaluation—even when residents are the greatest beneficiaries of the CPA.**

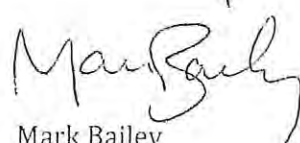
- **Newburyport businesses generously support local organizations, city and non-profit entities.** In the past three years alone, we can point to the expansion and upgrade of our community hospital, renovation of our elementary, middle and high schools, restoration of our historic stadium and playing fields, construction of our new Senior and Community Center and many other projects that simply would not have been possible without the philanthropic generosity of our business community. In addition, management and employees contribute hundreds of hours annually to volunteerism and board service. The investment of time and money cannot be reasonably measured.
- **The majority of Massachusetts communities recognize the negative impact a dual tax rate has on businesses and maintain single tax rates.** A split tax rate sends a signal that a community is less interested in its business sector than in its residents. And the business sector is contributing heavily to that same tax base.

Given these and other reasons, we respectfully ask for your support to continue a single tax rate for residents and businesses in the City of Newburyport, and thank you in advance for your support.

Sincerely,



Grace Connolly
Chairperson of the Board



Mark Bailey
Chair
Economic Development
Action Committee



Ann Ormond
President

PUBLIC SAFETY COMMITTEE ITEMS

- **COMM098_10_31_16** Use of Streets for "Most Pine Boards Broken in One Minute"
- **COMM101_11_14_16** Walk MS Newburyport on 4/1/2017
- **COMM102_11_14_16** Ladies Night Out Run on 12/3/2016
- **ORDR084_11_14_16** Add Fruit Street to 2-Hr Residential Zone

ps



October 24, 2016

Mr. Richard Jones
City Clerk
City of Newburyport
60 Pleasant St.
Newburyport, MA

Dear Clerk Jones:

The Greater Newburyport Chamber of Commerce & Industry in conjunction with its member Arwood Machine Corporation, 95 Parker Street, Newburyport kindly requests the "use of streets" in the downtown for the following event:

An event to Break the Guinness Book of World Records for the "Most pine boards broken in one minute"
Saturday, January 14, 2017
12 – 2 PM
Pleasant Street from Richdale to AliKat (corner of Prince and Pleasant)

Mr. Robert Anctil who holds a 7th degree Black Belt from Arwood Machine along with event sponsor Mr. Michael Munday from Arwood Machine Corporation are coordinating this event to raise funds for the "Wounded Warrior Project."

We would like to request that Pleasant Street from Richdale to AliKat Street be closed from 7 AM – 3 PM that day. This event would benefit downtown retail and restaurants during a traditionally slow period in January after the holidays. In the event of a snow emergency called by the City we would cancel the event. We will be working with the Newburyport Police Department on street closure protocol and notification to businesses and residents.

We are happy to answer any questions that you may have. Thank you for your time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann Ormond".

Ann Ormond
President

NEWBURYPORT SPECIAL EVENT APPLICATION

PS

Tel. _____

Fax. _____

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

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

2015 OCT 31 P 20

NAME OF EVENT: 6th Walk MS Newburyport

Date: 4-1-2017 Time: from 10am to 2pm

Rain Date: N/A Time: from _____ to _____

2. Location: Newburyport High School

3. Description of Property: High School Public Private _____

4. Name of Organizer: Emily Christian City Sponsored Event: Yes _____ No

Contact Person

Address: 101A East Ave Suite 6 Newburyport, MA 02451 Telephone: 781-693-5154

E-Mail: emily.christian@nms.org Cell Phone: 434-426-4299

Day of Event Contact & Phone: Danielle Pagnocco 978-729-4260

5. Number of Attendees Expected: 750

6. MA Tax Number: 13-5461935

7. Is the Event Being Advertised? Yes Where? Online

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

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

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

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

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

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

Name of Carnival Operator: _____

Address: _____

Telephone: _____

D. 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 _____

If yes:

- a) How many trash receptacles will you be providing? 60
- b) How many recycling receptacles will you be providing? Just trashbags
- c) Will you be contracting for disposal of : **Trash** Yes No **Recycling** Yes No
- i. If yes, size of dumpster(s): **Trash** _____ **Recycling** _____
- ii. Name of disposal company: **Trash** _____ **Recycling** _____
- 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 _____
- 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)

4 Standard # 2 ADA accessible

Name of company providing the portable toilets: Dave's Septic

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____ ROAD RACE _____ WALKATHON X

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

National MS Society

2. Name, Address & Daytime Phone Number of Organizer: Emily Christian

101A First Ave Suite 6 Waltham, MA 02451 781-643-5154

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

101A First Ave Suite 6 Waltham, MA 02451 978-729-4260

4. Date of Event: 4.1.2017 Expected Number of Participants: 750

5. Start Time: 10am Expected End Time: 2pm

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

High St, Ashland St, Merrimac St, Water St, Marlboro St

7. Locations of Water Stops (if any): Supper Flats; Cashman Park

8. Will Detours for Motor Vehicles Be Required? No If so, where? _____

9. Formation Location & Time for Participants: Newburyport High School 10am

10. Dismissal Location & Time for Participants: Newburyport High School 2pm

11. Additional Parade Information: N/A

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

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

CITY MARSHAL [Signature] 4 Green St. FIRE CHIEF _____ 0 Greenleaf St.

DEPUTY DIRECTOR _____ 16A Perry Way CITY CLERK [Signature] 60 Pleasant St.

Lt Simeonis / Police
Rev. 12/15

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____ ROAD RACE _____ WALKATHON X

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

National IMS Society

2. Name, Address & Daytime Phone Number of Organizer: Emily Christian

101A First Ave Suite 6 Waltham, MA 02451 781-643-5154

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

101A First Ave Suite 6 Waltham, MA 02451 978-729-4260

4. Date of Event: 4.1.2017 Expected Number of Participants: 750

5. Start Time: 10am Expected End Time: 2pm

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

High st, Ashland st, Merrimack st, Center st, Marlboro st

7. Locations of Water Stops (if any): Sage Flats - Cashman Park

8. Will Detours for Motor Vehicles Be Required? No If so, where? _____

9. Formation Location & Time for Participants: Newburyport High School 10am

10. Dismissal Location & Time for Participants: Newburyport High School 2pm

11. Additional Parade Information: N/A

- Number of Floats: _____

- Locations of Viewing Stations: _____

- Are Weapons Being Carried: Yes _____ No _____

- Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No _____

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

CITY MARSHAL _____ 4 Green St FIRE CHIEF [Signature] 6 Greenleaf St

DEPUTY DIRECTOR _____ 16A Perry Way CITY CLERK _____ 60 Pleasant St.

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____

ROAD RACE _____

WALKATHON X

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

National MS Society

2. Name, Address & Daytime Phone Number of Organizer: Emily Christian

101A First Ave Suite 6 Waltham, MA 02451 781-643-5154

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

101A First Ave Suite 6 Waltham, MA 02451 978-729-4260

4. Date of Event: 4.1.2017 Expected Number of Participants: 750

5. Start Time: 10am Expected End Time: 2pm

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

High St, Ashland St, Merriman St, Water St, Marlboro St

7. Locations of Water Stops (if any): Sage Flats ? Cushman Park

8. Will Detours for Motor Vehicles Be Required? No If so, where? _____

9. Formation Location & Time for Participants: Newburyport High School 10am

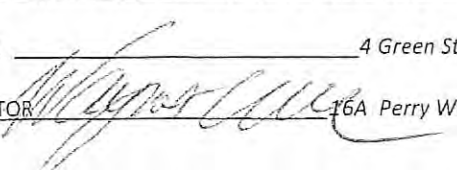
10. Dismissal Location & Time for Participants: Newburyport High School 2pm

11. Additional Parade Information: N/A

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

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

CITY MARSHAL _____ 4 Green St. FIRE CHIEF _____ 0 Greenleaf St.

DEPUTY DIRECTOR  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: <i>Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply</i>	
	Yes: \$ _____ due on _____	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: 10-14-16



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/04/2016

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).

PRODUCER MARSH USA, INC. 445 SOUTH STREET MORRISTOWN, NJ 07960-6454 Attn: Morristown CertRequest@marsh.com Fax: 212-948-0979 WALTH	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS:	FAX (A/C, No):													
	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Federal Insurance Company</td> <td>20281</td> </tr> <tr> <td>INSURER B : ACE Property and Casualty Insurance Company</td> <td>20699</td> </tr> <tr> <td>INSURER C : Employers Insurance Company Of Wausau</td> <td>21458</td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>		INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Federal Insurance Company	20281	INSURER B : ACE Property and Casualty Insurance Company	20699	INSURER C : Employers Insurance Company Of Wausau	21458	INSURER D :		INSURER E :		INSURER F :
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INSURER D :															
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INSURER F :															

COVERAGES **CERTIFICATE NUMBER:** NYC-007969977-13 **REVISION NUMBER:** 2

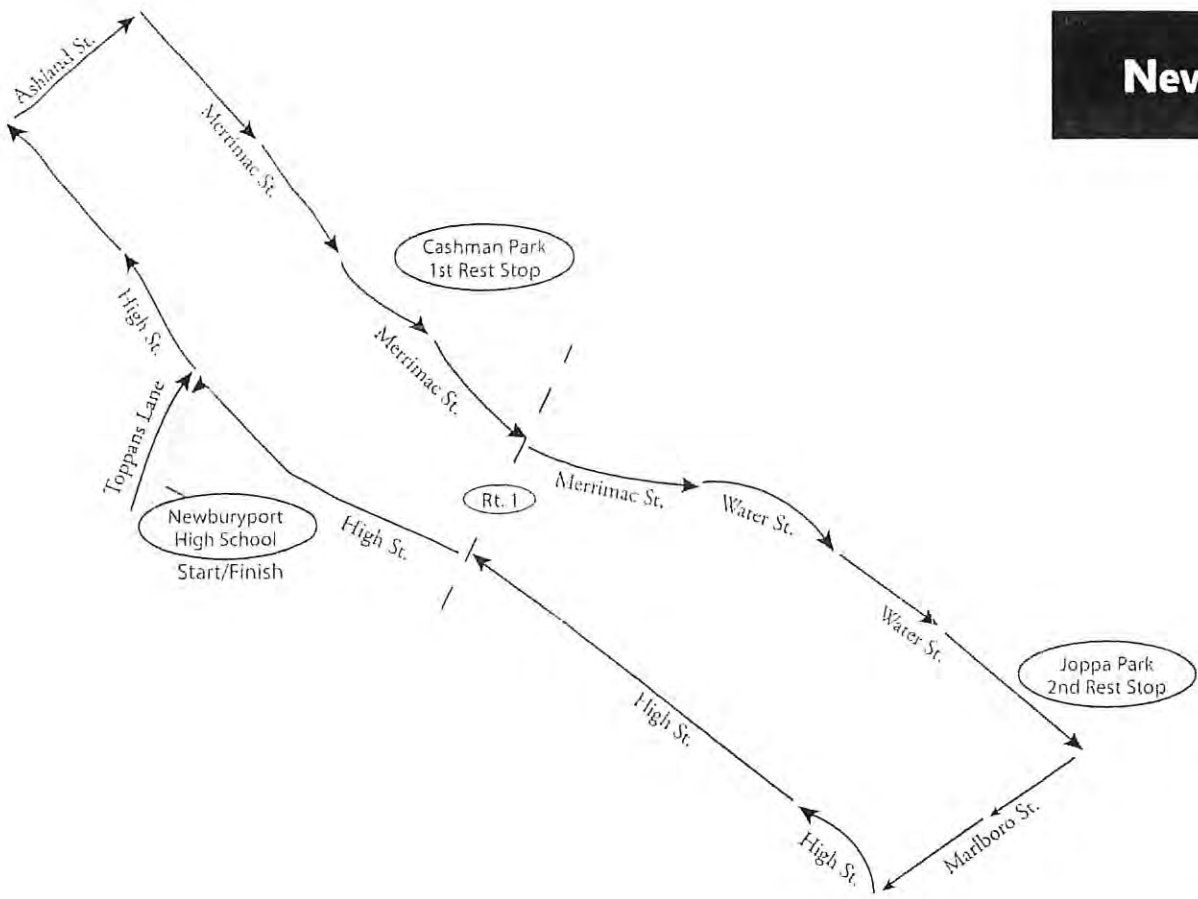
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC OTHER:		3583-33-49	12/31/2015	12/31/2016	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 \$
A	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS		7353-02-37	12/31/2015	12/31/2016	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Comp/Coil Deductible \$ 1,000
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTIONS 10,000		MC0552835 005	12/31/2015	12/31/2016	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input checked="" type="checkbox"/> N / A	WCC-291-451053-015	12/31/2015	12/31/2016	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
THE CERTIFICATE HOLDER IS ADDED AS AN ADDITIONAL INSURED EXCLUDING WORKER'S COMPENSATION AND EMPLOYERS' LIABILITY POLICY AS REQUIRED BY WRITTEN CONTRACT BUT LIMITED TO THE OPERATIONS OF THE INSURED UNDER SAID CONTRACT AND ALWAYS SUBJECT TO THE POLICY TERMS, CONDITIONS AND EXCLUSIONS.

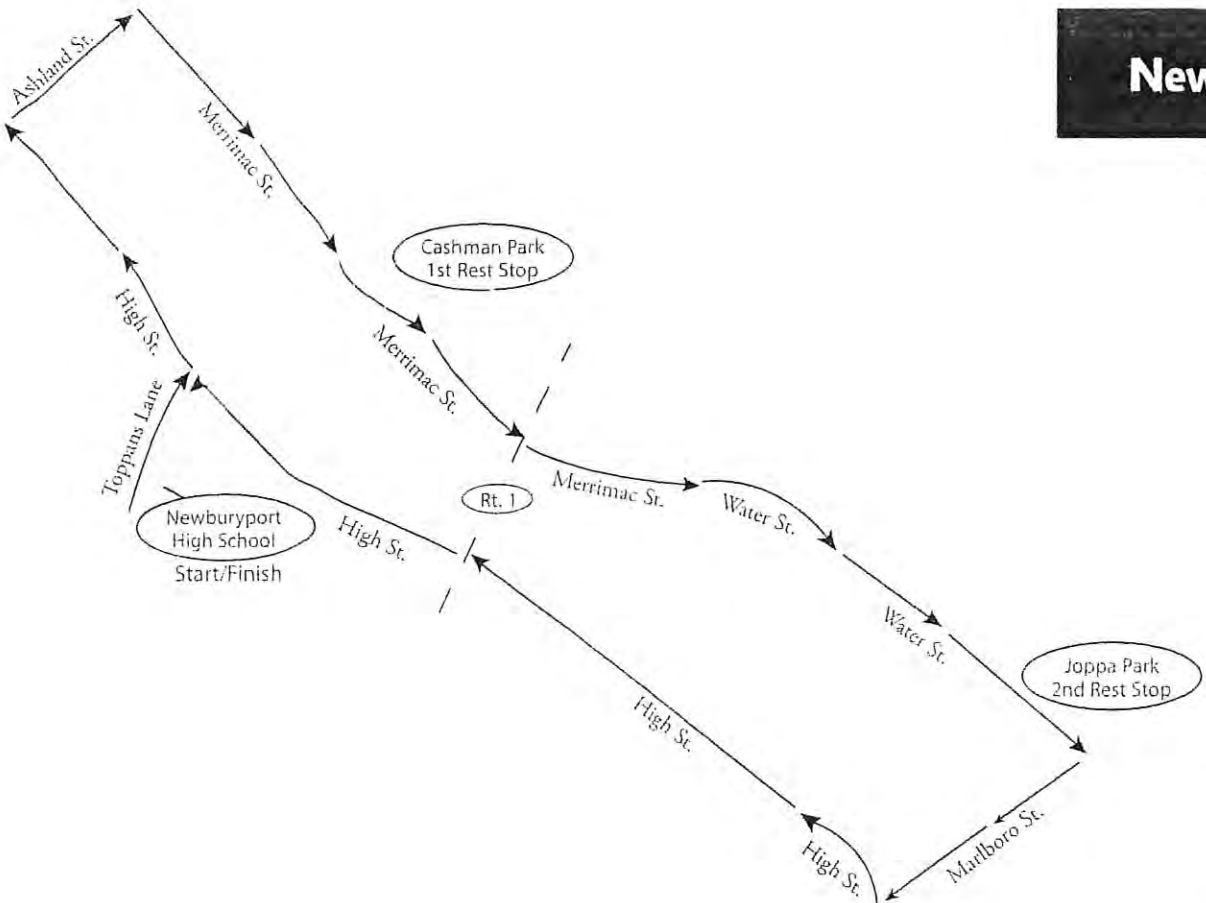
CERTIFICATE HOLDER CITY OF NEWBURYPORT ATTN: JOHN MOAK 60 PLEASANT STREET NEWBURYPORT, MA 01950	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE of Marsh USA Inc. Manashi Mukherjee <i>Manashi Mukherjee</i>
--	---

Newburyport



Walk
presented locally by
 Biogen.

Newburyport



Walk
presented locally by
 Biogen.

Walk MS Newburyport

Start/End Point:
Newburyport High School
241 High Street
Newburyport, Mass.

1. Exit the Highschool via Toppans Lane
2. Left onto High Street
3. Right onto Ashland Street
4. Right onto Merrimac St
5. Cross road at crosswalk at corner of Merrimac and Broad Streets
6. REST STOP 1 – Cashman Park
7. Exit Cashman Park and continue on Merrimac Street
8. Merrimac Street becomes Water Street
9. REST STOP 2 – Joppa Flats
10. Right onto Marlboro Street
11. Right onto High Street
12. Continue on High Street
13. Enter Highschool Via Toppans Lane

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THANK YOU TO OUR PREMIER NATIONAL SPONSOR		PRESENTED LOCALLY BY	
			
			
			
			
Ameriprise	Blue Cross Blue Shield of VT	Burns & McDonnell	Salem Five
Home Healthsmith LLC	Reliant Medical	Norton Insurance	
NORTRAX/John Deere	DJ Mark Watson	Knight Productions	

THANK YOU TO OUR PREMIER NATIONAL SPONSOR		PRESENTED LOCALLY	
			
			
			
			
Ameriprise	Blue Cross Blue Shield of VT		
Home Healthsmith LLC	Reliant		
NORTRAX/John Deere	DJ Mark		



National
Multiple Sclerosis
Society
Greater
New England
Chapter

October 14, 2016

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

To Whom It May Concern:

On behalf of the National Multiple Sclerosis Society, Greater New England Chapter, I would like to extend our deep gratitude for the continuous support Newburyport has shown throughout the years for the annual Walk MS.

As we enjoy autumn, I have begun planning for the 2017 Walk MS Newburyport. This year's date is set for Saturday, April 1, from 10:00am to 3:00pm. I would like to request permission to host the Walk on this day. 750 participants are expected to take part in this annual event. The Walk is 5 miles, with the Start and Finish being held at the Newburyport High School. We will be using the same route as last year, and a certificate of liability insurance will be provided upon approval of this request.

The money raised will be used to advance our support of national research and to support local programming for the nearly 21,000 people within Maine, Massachusetts, New Hampshire, Vermont and Rhode Island who are affected by multiple sclerosis. The Greater New England Chapter prides itself on our many comprehensive local programs that improve the quality of life for people with MS and their families. These programs empower individuals with MS and provide them with the resources to maintain independence.

I thank you in advance for your support and please feel free to contact me at 781.693.5154 with any questions or concerns.

Sincerely,

Emily Christian
Development Manager
National MS Society, Greater New England Chapter
Emily.Christian@nmss.org

NEWBURYPORT SPECIAL EVENT APPLICATION

RECEIVED
CITY OF NEWBURYPORT
TELETYPE OFFICE
100 STATE STREET
NEWBURYPORT, MA 01950

Fax.

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

NAME OF EVENT: 2015 NOV - 1 A 9:21 Ladies Night at Run/Wine + chocolate

Date: 12/3/16 Time: from 2pm to 3pm
Rain Date: Time: from to

2. Location: Nicholsen Hall

3. Description of Property: Church hall Public Private

4. Name of Organizer: Amanda Misia City Sponsored Event: Yes No

Contact Person
Address: 10 Hemmenway Rd Telephone:

E-Mail: BNSFitnessEvents@yahoo.com Cell Phone: 978-836-0271

Day of Event Contact & Phone: " " " "

5. Number of Attendees Expected: 400

6. MA Tax Number:

7. Is the Event Being Advertised? NO Where?

8. What Age Group is the Event Targeted to? 21+

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

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

A. Vending: Food Beverages Alcohol Goods Total # of Vendors (4-5)

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

If yes:

- a) How many trash receptacles will you be providing? 6-10
- b) How many recycling receptacles will you be providing? /
- c) Will you be contracting for disposal of : Trash Yes No Recycling Yes No
- i. If yes, size of dumpster(s): Trash _____ Recycling _____
- ii. Name of disposal company: Trash _____ Recycling _____
- 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 _____
- 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)

_____ Standard # _____ ADA accessible

Name of company providing the portable toilets: _____

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____ ROAD RACE X WALKATHON _____

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon:
BES Fitness / Amanda Nisula
5th Annual Ladies Night out

2. Name, Address & Daytime Phone Number of Organizer
Amanda Nisula 978-831-0071
10 Hamenway Rd Salem MA 01970

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up
Amanda Nisula
BES Fitness 978-831-0071

4. Date of Event 12/3/16 Expected Number of Participants 400

5. Start Time 2pm Expected End Time 3pm

6. Road Race, Parade or Walkathon Route (List street names & attach map of route):
attached to email

7. Locations of Water Stops (if any) NA

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

9. Formation Location & Time for Participants Nichols Hall (Harris St)

10. Dismissal Location & Time for Participants _____

11. Additional Parade Information:
• Number of Floats _____
• Locations of Viewing Stations _____
• Are Weapons Being Carried Yes _____ No _____
• Are Marshals Being Assigned to Keep Parade Moving Yes _____ No _____

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

CITY MARSHAL _____
SVP TO ADJUTANT _____
Rev 12.13

42

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.

<i>Approval Required</i>	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: <i>Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply</i>	
_____	Yes: \$ _____ due on _____	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: Amanda Vespa Date: 10/13/14



Applicant Information

Name of organization BES Event management
Contact name Amanda Nisula
Address 10 Hemmenway Rd
City Salem
State MA Zip 01970
Phone 978-830-0271 Fax _____
Email BESFitnessEvents@gmail.com

Scheduling Information

Date of Application ~~5/11/16~~ 6/7/16

We request use of:

- | | | |
|--|---|--|
| <input type="checkbox"/> Atwood Park - South End | <input type="checkbox"/> Cushing Park | <input type="checkbox"/> Perkins Park - South End |
| <input type="checkbox"/> Basketball Court | <input type="checkbox"/> Basketball Courts | <small>(For ball field please use "Field Use Permit Form")</small> |
| <input type="checkbox"/> Tennis Court | <input type="checkbox"/> Joppa Park at the Sea Wall - South End | <input type="checkbox"/> Basketball Courts |
| <input type="checkbox"/> Brown Square | <input type="checkbox"/> Jason Sawyer Playground - Plum Island | <input type="checkbox"/> Tennis Courts |
| <input checked="" type="checkbox"/> Cushman Park - North End | <input type="checkbox"/> Basketball Court | <input type="checkbox"/> Moseley Woods Pavilion |
| <small>(For ball field please use "Field Use Permit Form")</small> | <input type="checkbox"/> Pavilion | <input type="checkbox"/> Bartlet Mall |
| <input type="checkbox"/> Basketball Courts | <input type="checkbox"/> March's Hill | <input checked="" type="checkbox"/> Rail Trail |
| <input type="checkbox"/> Tennis Courts | <input type="checkbox"/> Basketball Court | |

Dates/days requested ~~12/11/15~~ 12/3/16

Time slot requested 2pm - 3pm

Activity Running through Park & Rail Trail Number of attendees 400

Authorized Applicant Signature Amanda Nisula

FOR INTERNAL USE ONLY

Approval is contingent upon approval from the following authorities:

- Health Department
- Fire Department
- Police Department
- Licensing Commission
- City Council
- Harbormaster
- No further approvals needed

ADDITIONAL COMMENTS:

Submit completed form to
Newburyport Parks
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950
parks@cityofnewburyport.com
978-465-4462

See page 2 for Rules and Regulations and contacts for use of other parks and recreational facilities

For Parks Commission Use	
Date reviewed	_____
Approved	_____
Rejected	_____
Comments	_____

Donation received	_____



Chapter 11 Parks and Recreation, Article III Recreation Areas, Section 11-5.

- 1. All other city ordinances applying to public areas also apply to these parks, including but not limited to the following:
 - a. Dogs must be leashed and animal waste cleaned up and disposed of pursuant to Chapter 8, Article 2 of the Code of Ordinances;
 - b. No littering is allowed;
 - c. No vandalism, damage or defacement or other acts of willful destruction of property is allowed;
 - d. Loud music, music and other sounds are prohibited from 10:00 pm to 7:00 am pursuant to Section 11-6 of the zoning ordinance;
 - e. No snowmobiles, motorcycles, mopeds or other motorized vehicles, with the exception of wheelchairs, are allowed unless specifically authorized by city council vote;
 - f. For other activities regulated by city ordinances, additional authorization may be required by the appropriate city authority;
 - g. No activities are allowed that would potentially endanger members of the public;
- 2. No activities are allowed which would disturb the quiet use and enjoyment of said parks without authorization;
- 3. No commercial activities are allowed without authorization;
- 4. No commercial activities of any nature shall be allowed on any portion or portion of the Bartlett Mall unless for specific non-profit events that benefit the Newburyport community as approved by the Bartlett Mall Commission;
- 5. No unauthorized vehicular parking is allowed in areas other than parking lots in accordance with signage in the parking area. No unauthorized vehicles are allowed in areas other than driveway and parking lots;
- 6. Alcoholic beverages are not allowed without authorization;
- 7. Horses are not allowed except as authorized;
- 8. No Dogs shall be allowed on tennis courts, fountains or other restricted park areas;
- 9. No bicycling, rollerblading, snowboarding, or skateboarding is allowed on park play equipment or the furnishings, including benches, curbs, walls, stanchions, handrails, fountains, ponds, tennis courts, playing fields, etc. In some locations, as indicated by signage, bicycling, rollerblading, and snowboarding are not allowed at all;
- 10. Trash receptacles in parks are intended for the collection of refuse related to park use; the disposal of other items in park trash receptacles is not allowed. There is no dumping of private yard waste;
- 11. No unauthorized posting of bills, signs, or any other materials is allowed;
- 12. No fires are allowed except in approved, specified locations;
- 13. No fireworks are allowed without written permission from the Fire Chief;
- 14. No firearms are allowed;
- 15. No unauthorized camping is allowed;
- 16. No unauthorized change of any sort to the property, vegetation, equipment or structures in the park is allowed, including muzzing, pruning, removal or harming of plants;
- 17. No unauthorized use of water or electrical receptacles in the park is allowed with the specific exception of drinking fountains;
- 18. No unauthorized swimming is allowed;
- 19. Athletic field lighting shall be turned off by 10:00 p.m.
- 20. Said authorization may also be denied on any of the following grounds:
 - a. the application for permit (including any required attachments and submissions) is not fully completed and executed;
 - b. the application for permit contains a material falsehood or misrepresentation;
 - c. the applicant is legally incompetent to contract or to sue and be sued;
 - d. the applicant or the person on whose behalf the application for permit was made has on prior occasions damaged park property and has not paid in full for such damage, or has other outstanding and unpaid debts to the relevant commission;
 - e. a fully executed prior application for permit for the same time and place has been received, and a permit has been or will be granted to a prior applicant authorizing user or activities which do not reasonably permit multiple occupancy of the particular park or part hereof;
 - f. the use or activity intended by the applicant would conflict with previously planned programs organized and conducted by the park's commission and previously scheduled for the same time and place;
 - g. the proposed use or activity is prohibited by or inconsistent with the classifications and uses of the park;
- 21. Fines for violation of these rules shall be established by city ordinances;
- 22. Any application made pursuant to these rules and regulations shall be processed in order of receipt and the authorizing board or commission shall decide whether to grant or deny an application within 30 days, unless, by written notice to the applicant, it extends the period an additional 15 days;
- 23. Denial of an application for a permit shall clearly set forth the grounds upon which the permit was denied and, where feasible, shall contain a proposal by the relevant commission for measures by which the applicant may cure the defects in the application for permit or otherwise procure a permit;

In reference to the foregoing, the board or commission that may authorize activities is as follows:

- 1. For all city parks not otherwise specified here, the Parks Commission is the authorizing agency. Application for activities should be made to the Parks Commission;
- 2. For Adirondack Common, the board of commissioners of Adirondack Common is the authorizing agency. Application for activities should be made to the board of commissioners of Adirondack Common;
- 3. For Market Landing Park and other Waterfront Trust property, the Newburyport Waterfront Trust is the authorizing agency. Application for activities should be made to the Newburyport Waterfront Trust. Activities when organized activities are authorized, the permitted person or organization has exclusive right to use the designated area, and others shall not disrupt the activity or intrude on the area;
- 4. For Bartlett Mall, the board of commissioners of Bartlett Mall is the authorizing agency. Application for activities should be made to the board of commissioners of Bartlett Mall;
- 5. For Moseley Woods, the board of commissioners of Moseley Woods is the authorizing agency. Application for activities should be made to the board of commissioners of Moseley Woods;

Lisé Reid,
Parks Director
978-465-4462
parks@cityofnewburyport.com

City of Newburyport, Massachusetts
Office of the License Commission

Application Form One-Day All Alcohol/Wine & Malt License

This application must be submitted two weeks prior to the License Commission meeting (the first Wednesday of the month). Submit to the City Clerk's office, attention Lynn Varney, phone 978-465-4407, ext.1204.

Name of Organization: B&S fitness programs

Name of Event: 5th Annual ladies night out run, wine & chocolate

Contact Person: Amanda Misula

Address: 10 Hemmenway Rd

City: Salem State: MA Zip: 01970

Telephone Number: (Home) (978) 836-0271 (Business) () -

Type of License Requested: All Alcohol _____ Beer & Wine

Non-Profit Status:

Place of Event: Nicholson Hall (Harris St)

***Applicants must include a space plan for all outside venues.*

Date of Event: ~~12/15/15~~ 12/13/16 Time of Event: 2pm - 5pm

Principle Purpose of Organization/Event: _____

Post run/walk festivities inside Nicholson Hall

Projected Number of Attendees: 400

Fire Department Sign Off _____

Police Marshal Sign Off _____

Application is NOT COMPLETE unless A CERTIFICATE OF INSURANCE and CERTIFICATES OF ALCOHOL TRAINING or EQUIVALENT for EACH SERVER are attached.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
10/24/2016

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).

PRODUCER CURTIS J. VERNON INSURANCE AGENCY PO BOX 266 BOUNTIFUL, UT 84010	CONTACT NAME:		
	PHONE (A/C No. Ext):	(801) 292-5529	FAX (A/C No.): (801) 677-0077
E-MAIL ADDRESS:			
		INSURER(S) AFFORDING COVERAGE	NAIC#
		INSURER A: ATAIN SPECIALTY INSURANCE CO	
		INSURER B: USLI	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

INSURED B&S FITNESS PROGRAMS LLC
45 CONGRESS STREET, DOCK 19-20
SALEM, MA 01970

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:		Y	CIP278393	01/29/16	01/29/17	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG Professional Liability \$ 2,000,000 \$ 3,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTIONS			XSL016A12X3	07/29/16	07/29/17	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		Y/N N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Certificate holder is listed as an additional insured.

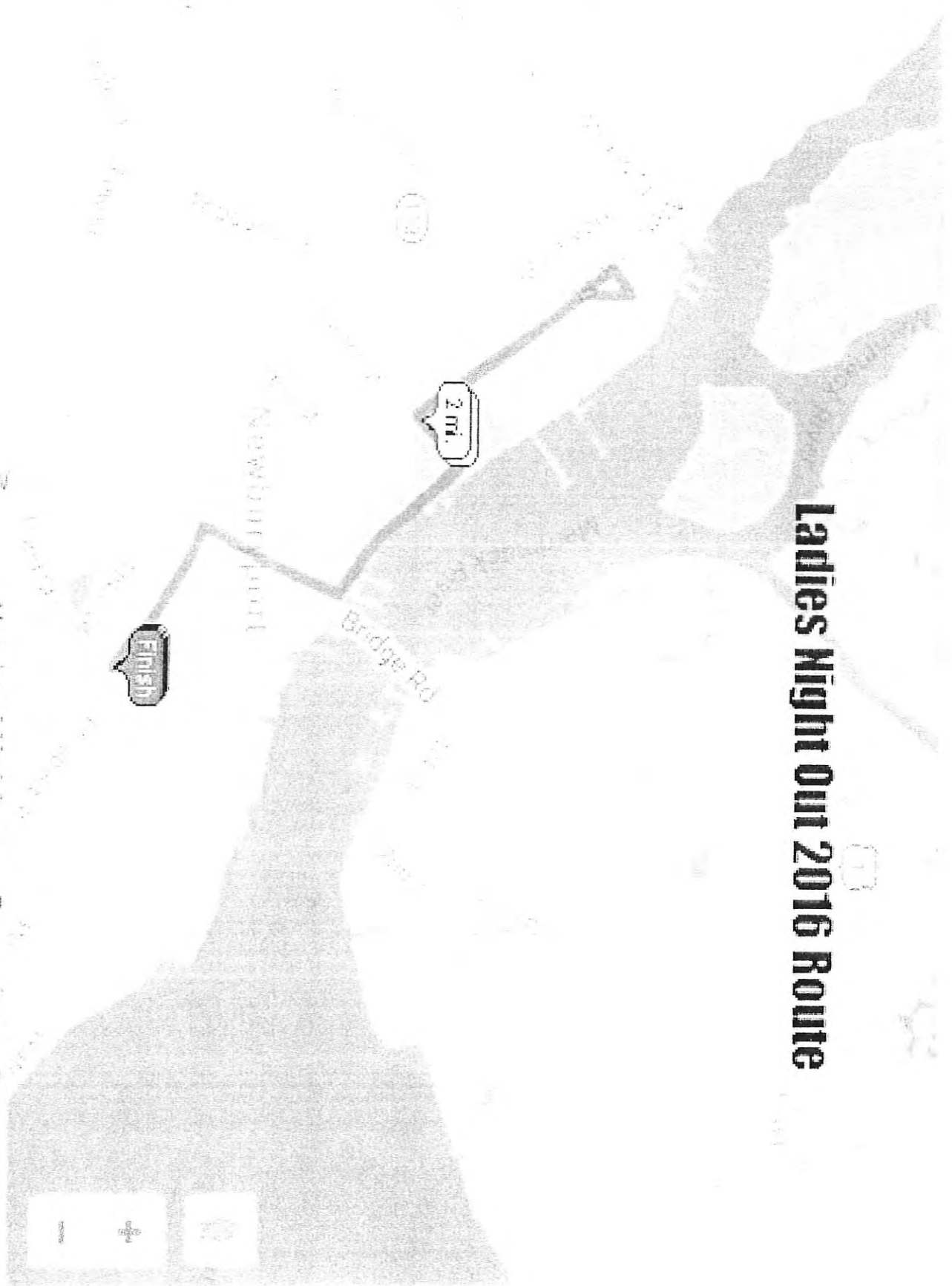
CERTIFICATE HOLDER The City of Newburyport	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

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Map Satellite

Ladies Night Out 2016 Route

Go gle



Map data © 2015 Google Terms of Use Report a map error

Map navigation controls including a compass, a location pin, and a zoom in (+) button.

CITY OF NEWBURYPORT

ps



IN CITY COUNCIL

ORDERED:

November 14, 2016

AN ORDER TO ADD ORANGE STREET TO THE TWO-HOUR RESIDENTIAL PARKING PROGRAM

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

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-180	Resident parking.

Amend subsection (g)(3) regarding the designation of streets within two-hour residential parking permit zones, as follows, with deletions ~~italicized and double-stricken through~~, and additions italicized and double-underlined:

(3) *Zone 3:*

a. Fair Street, on the easterly side between Liberty Street and Water Street, and on the westerly side, between Liberty Street and southerly edge of driveway at 2 Fair Street.

b. Fruit Street.

Councillor Jared J. Eigerman