

CITY COUNCIL MEETING AGENDA - VERSION 1
CITY COUNCIL CHAMBERS
JUNE 11, 2018
7:30PM

(Sound Check)

1. **MOMENT OF SILENCE**
2. **PLEDGE OF ALLEGIANCE**
3. **CALL TO ORDER**
4. **LATE FILE ITEMS**
5. **PUBLIC COMMENT**
6. **MAYOR'S COMMENT**
7. **ORDR039_05_29_18** Resolution Recognizing NHS 2018 Valedictorian and Salutatorian (**TABLED**)

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.

8. APPROVAL OF MINUTES

May 29, 2018

(Approve)

9. TRANSFERS

- **TRAN015_06_11_18** Solid Waste Fee \$35K to Resiliency Plan Technical Assistance \$15K, Household Hazardous Waste \$20K (B&F)
- **TRAN016_06_11_18** SEW Biosolids Disp \$90K to SEW Plant Chem \$90K (B&F)
- **TRAN017_06_11_18** DPW Gas \$15K to DPS Highway - Fuel & Oil \$15K (B&F)
- **TRAN018_06_11_18** Health Insurance \$85K to Fire Overtime \$85K (B&F)
- **TRAN019_06_11_18** POL Maint - Vehicles \$6K, POL Fuel/Oil Vehicles \$18.5K, POL Ammunition \$4,081 to POL Vehicle Purchase/Lease \$28,581 (B&F)
- **TRAN020_06_11_18** Free Cash \$20,563 to Fire HVAC Replace \$20,563 (B&F)

10. COMMUNICATIONS

- **COMM048_06_11_18** Ltr re: Marijuana Retailers Ballot Question (GG)
- **COMM049_06_11_18** Block Party - Congress Street - 8/4/2018 (PS)
- **COMM050_06_11_18** Fill-The-Boot Drive for MDA - 8/2-8/4 (PS)
- **COMM051_06_11_18** High Street Mile - 8/5/2018 (PS)
- **COMM052_06_11_18** Coast to the Cure Bike Ride - 9/8/2018 (PS)

11. APPOINTMENTS

To be Referred to Planning & Development

- **APPT045_06_11_18** David St. Cyr 25 Tyng St NRA 11/1/2022
- **APPT046_06_11_18** Robert Uhlig 10 Ocean St NRA 4/10/2022

END OF CONSENT AGENDA
REGULAR AGENDA

12. MAYOR'S UPDATE

13. APPOINTMENTS

Second Reading

- APPT040_05_29_18 Christopher J. LeClaire 37 Marshview Cir, Seabrk Fire Chief 6/1/2023
- APPT041_05_29_18 Thomas F. OBrien 11 Moseley Ave Housing Authority 8/1/2023
- APPT042_05_29_18 Ahmer Ibrahim 85 Prospect St Human Rights Comm 6/1/2021

14. ORDERS

- ORDR041_06_11_18 Band Uniforms Gift Acceptance \$9,000
- ORDR042_06_11_18 Parking Lot Hours - Hales Court Lot
- ORDR043_06_11_18 Paid Parking Permits

15. ORDINANCES

- ODNC013_04_30_18 Establishment of Departmental Revolving Funds (2nd Reading)
- ODNC015_04_30_18 Marijuana Zoning – Cultivation (2nd Reading)
- ODNC021_05_14_18 Temporary Moratorium on Recreational Marijuana Establishments (2nd Reading)
- ODNC024_06_11_18 Zoning Amendment - Marijuana Retail Sales Locations

15. COMMITTEE ITEMS

Budget & Finance

In Committee:

- ORDR007_01_29_18 41C Amendment
- ORDR022_04_09_18 Local Retail Sales Tax on Marijuana
- TRAN011_05_14_18 Transfers - Capital and Reserve Fund \$1,879,054.50 (COTW)
- ORDR034_05_14_18 Roof Replacement Projects Loan
- ORDR035_05_14_18 Budget Order FY2019
- COMM044_05_14_18 Mayor's Budget Presentation
- TRAN012_05_29_18 Wtr Ret Earn \$1,065,000.00, Swr Ret Earn \$557,975.00 to Multiple Accts \$1,622,975.00
- TRAN013_05_29_18 Hrbrmstr Ret Earn \$4,494.32 to HBR Debt Service \$4,494.32
- TRAN014_05_29_18 NYS Rec Revolving Fund \$15,000.00 to YTH Brown School Exp \$15,000.00
- ORDR038_05_29_18 G. Mello - Collection and Hauling Contract (5-Year)
- ORDR040_05_29_18 Wheelabrator Contract

Education

In Committee:

-

General Government

In Committee:

- ODNC007_02_12_18 Amendment to Division 7 – City Solicitor
- ORDR016_03_26_18 Naming of the Five (5) Nature Trails Contained in the Little River Trail System

License & Permits

In Committee:

- COMM029_04_30_18 Outdoor Seating - West Row Café
- ODNC023_05_29_18 LATE FILE Amendment to Waterways Fee

Neighborhoods and City Services

In Committee:

- **ODNC001_01_11_16** Amend Ch11 Parks and Recreation (**COTW**)
- **ORDR048_06_13_16** Sidewalk Order
- **COMM111_10_10_17** Petition for Road Repairs and Repaving – Squires Glen
- **COMM028_04_09_18** Essex Coastal Scenic Byway Visitor Center Kiosk
- **ODNC020_05_14_18** Amendment to Chapter 11, Parks & Recreation

Planning & Development

In Committee:

- **ODNC017_10_30_17** Zoning Amendment – No Use Variances (**COTW**)
- **ODNC003_01_29_18** Zoning - Amendment to Table of Use Regulations
- **ODNC008_02_12_18** Disposition of G. W. Brown School
- **ORDR024_04_09_18** Special Act to Dissolve Newburyport Redevelopment Authority (**COTW**)
- **COMM036_04_30_18** Memo re: Proposed Marijuana Zoning Amendments
- **ODNC014_04_30_18** Amendment to Demolition Delay
- **ODNC016_04_30_18** Marijuana Zoning - Retail Sales (**COTW**)
- **COMM042_05_14_18** Ltr re: Marijuana Moratorium
- **ORDR033_05_14_18** Adoption of Housing Production Plan
- **ORDR036_05_14_18** Marijuana Retailers Ballot Question
- **ORDR037_05_14_18** Lease of Coast Guard Auxiliary Building on Plum Island Point
- **APPT043_05_29_18** Rishi (Surajit) Nandi 14 Spring St Planning Board 8/31/2021

Public Safety

In Committee:

- **COMM020_03_12_18** Newburyport Half Marathon - 10/21/2018
- **ODNC009_02_12_18** Floating Homes, Houseboats, and Related Marinas
- **ODNC012_03_26_18** Amendment to Chapter 13, Section 13-26
- **ORDR023_04_09_18** Additions to 2-Hour Parking Zones
- **ORDR031_04_30_18** No Parking Titcomb from Pleasant to Merrimac
- **ORDR032_04_30_18** No Parking Merrimac St from Titcomb St Running Westerly
- **COMM041_05_14_18** Lions Club Bed Race - 8/2/2018
- **COMM043_05_14_18** Greek Food Festival - July 27-29, 2018
- **COMM045_05_29_18** Block Party - Tyng Street - 6/22/18
- **COMM046_05_29_18** Block Party - Chestnut Street - 6/23/18
- **COMM047_05_29_18** Jeanne Geiger 27th Annual Walk Against Violence - 10/7/18

Public Utilities

In Committee:

- **COMM122_11_27_17** Mobilitie Application/Small Cell Utility Petition (re-file)
- **ODNC022_05_29_18** Addition to Chapter 5, Article 6 - Small Cell Sites
- **APPT044_05_29_18** Roger E. Jones 37 Storeybrooke Dr Water/Sewer Comm 5/1/2023

Rules Committee

In Committee:

16. GOOD OF THE ORDER

17. ADJOURNMENT

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 29, 2018

A RESOLUTION CONGRATULATING ALL NEWBURYPORT STUDENTS ON 2017-2018 SCHOOL YEAR ACCOMPLISHMENTS WITH SPECIAL RECOGNITION OF MARGARET COTE, THIS YEAR'S NEWBURYPORT HIGH SCHOOL GRADUATING CLASS VALEDICTORIAN AND MOLLY LALIBERTY THIS YEAR'S NEWBURYPORT HIGH SCHOOL GRADUATING CLASS SALUTATORIAN

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

WHEREAS, The City of Newburyport highly values education as the ultimate investment in our collective futures

WHEREAS, The City's students have worked extremely hard throughout this school year to achieve excellence in all pursuits and deserve recognition for doing so

WHEREAS, The City seeks to recognize the achievements of the all of the City's students and the hard work of all those who work towards educating our children

NOW, THEREFORE, BE IT RESOLVED that:

1. Recognition of achievements. The City of Newburyport acknowledges and recognizes all students for their hard work and dedication towards their studies, extracurricular activities, sports, volunteer, work and all other pursuits
2. Sincere Congratulations. The City of Newburyport congratulates all students that received awards at Award Night held on May 24th, 2018.
3. Special Congratulations. The City of Newburyport offers special congratulations to Margaret Cote, Newburyport High School's Class of 2018 Valedictorian AND Molly Laliberty, Newburyport High School's Class of 2018 Salutatorian for their superior academic achievement.
4. Expression of Gratitude. The City wishes to extend its gratitude and appreciation to teachers, administrators, staff, coaches and other staff who work towards the education of our children

5. Best Wishes. The City of Newburyport wishes the entire Class of 2018 its best as its students move onto their next endeavors and pursuits. Know that an entire City is behind you and proud of you.

Councillor Sharif I. Zeid

Councillor Joseph H. Devlin

Councillor Barry N. Connell

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
MAY 29, 2018

7:15PM

POLE HEARING National Grid - 366 Merrimac Street

The pole hearing began at 7:15pm. Ken Dobie from National Grid spoke, Robert Germinara also spoke in favor. Discussion followed on double poles, etc. Motion to approve by Councillor Vogel, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.

7:30PM

The City Council President, Barry Connell, called the meeting to order at 7:30pm, followed by the Pledge of Allegiance and a moment of silence for Stanley Jancewicz, a long-time poll worker. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Earls, Eigerman, Giunta, Khan, OBrien, Shand, Tontar, Vogel, Zeid, Connell. 10 present, Devlin 9:10pm.

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS – ODN023_05_29_18 Amendment to Waterways Fee

Motion to waive the rules, to allow late files, by Councillor Zeid, seconded by Councillor Earls. So voted.

5. PUBLIC COMMENT – concluded 8:07pm

1. Byron J. Matthews	6 Carleton Dr	Marijuana
2. Michael Sales	6 Fruit St	Marijuana
3. Grace Connolly	47 Green St	Marijuana
4. Jim Connolly	47 Green St	Marijuana
5. Hazem Mahmoud	52 Ferry Rd	Marijuana
6. Ed DeSousa	North Reading	Marijuana
7. Peter Fitzsimmons	7 Arlington St	Marijuana
8. Frank G. Cousins	6 Orange St	Marijuana
9. Patricia Daniels	236 Low St	Marijuana
10. Constance Preston	18 Atwood St	Marijuana
11. Melissa Chaput	316 Pembroke	Marijuana
12. Joel Miller	Boston	Marijuana
13. Bryce Anderson	5 Bridge Ln	Marijuana
14. Ralph Castagna	69 Parker St	Marijuana
15. Paul Dahn	343 High St	Marijuana
16. Jim Zampell		Marijuana
17. Phillip Cootey	22 Phillips Dr	Marijuana

6. MAYOR'S COMMENT

The mayor gave an update pursuant to her written communication.

7. MAYOR'S PROCLAMATION – National Gun Violence Awareness Day June 1st

CONSENT AGENDA

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8. APPROVAL OF MINUTES

9. TRANSFERS

- **TRAN012_05_29_18** Wtr Ret Earn \$1,065,000.00, Swr Ret Earn \$557,975.00 to Multiple Accts \$1,622,975.00 (B&F)
- **TRAN013_05_29_18** Hrbrmstr Ret Earn \$4,494.32 to HBR Debt Service \$4,494.32 (B&F)
- **TRAN014_05_29_18** NYS Rec Revolving Fund \$15,000.00 to YTH Brown School Exp \$15,000.00 (B&F)

10. COMMUNICATIONS

- **COMM045_05_29_18** Block Party - Tyng Street - 6/22/18 (PS)
- **COMM046_05_29_18** Block Party - Chestnut Street - 6/23/18 (PS)
- **COMM047_05_29_18** Jeanne Geiger 27th Annual Walk Against Violence - 10/7/18 (PS)

11. APPOINTMENTS

Re-Appointments

- **APPT040_05_29_18** Christopher J. LeClaire 37 Marshview Cir, Seabrk Fire Chief 6/1/2023
- **APPT041_05_29_18** Thomas F. OBrien 11 Moseley Ave Housing Authority 8/1/2023
- **APPT042_05_29_18** Ahmer Ibrahim 85 Prospect St Human Rights Comm 6/1/2021

Appointments to be Referred to Planning & Development

- **APPT043_05_29_18** Rishi (Surajit) Nandi 14 Spring St Planning Board 8/31/2021

Re-Appointments to be Referred to Public Utilities

- **APPT044_05_29_18** Roger E. Jones 37 Storeybrooke Dr Water/Sewer Comm 5/1/2023

END OF CONSENT AGENDA

REGULAR AGENDA

Motion to approve the Consent Agenda by Councillor Zeid, seconded by Councillor Tontar. So voted (1 present, OBrien).

12. MAYOR’S UPDATE

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

13. APPOINTMENTS

Second Reading

- **APPT039_05_14_18** Ronald M. Thurlow 28A Hancock St Harbor Commission 6/1/2020
- Motion to approve second reading appointments by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.

14. ORDERS

- **ORDR038_05_29_18** G. Mello - Collection and Hauling Contract (5-Year)
Motion to take ORDR038_05_29_18 and ORDR040_05_29_18 collectively by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed. Motion to refer ORDR038_05_29_18 and ORDR040_05_29_18 collectively to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- **ORDR039_05_29_18** Resolution Recognizing NHS 2018 Valedictorian and Salutatorian
Motion to table by Councillor Zeid, seconded by Councillor OBrien. So voted.
- **ORDR040_05_29_18** Wheelabrator Contract

15. ORDINANCES

- **ODNC011_03_12_18** Zoning Map Change - Low Street Farms (**2nd Reading**)
Motion to approve second reading by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- **ODNC022_05_29_18** Addition to Chapter 5, Article 6 - Small Cell Sites
Motion to refer to Public Utilities by Councillor Zeid, seconded by Councillor Tontar. So voted.
- **ODNC023_05_29_18** LATE FILE Amendment to Waterways Fee
Motion to refer to License & Permit by Councillor Earls, seconded by Councillor Giunta. So voted.

15. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR007_01_29_18** 41C Amendment
- **COMM022_03_26_18** FY2018-FY2022 Capital Improvement Program Submission
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to amend, to alter the table on Page 83 entitled "Estimated Project Costs by Fiscal Year", Phillips Drive Roadwork and Drainage, by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed. Motion to amend, to postpone Ambulance Project Costs (Page 17) from FY2019 to FY2020, by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 4 yes (Eigerman, Giunta, OBrien, Vogel), 5 no, 1 present (Zeid), 1 absent (Devlin). Motion failed. Motion to amend, to increase Fuller Complex Field Improvement Project Costs (Page 40) from \$200K in FY2019 to \$200K FY2020, by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 1 yes (Eigerman), 8 no, 1 present (Zeid), 1 absent (Devlin). Motion failed. Motion to amend, to increase Recreation Center Project Costs (Page 49) from \$2M to \$3M, by Councillor Eigerman, seconded by Councillor Khan. Roll call vote, 7 yes, 2 no (Tontar, Connell), 1 present (Zeid), 1 absent (Devlin). Motion passed. Motion to approve as amended by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 9 yes, 1 present (Zeid), 1 absent (Devlin). Motion passed.
- **ORDR022_04_09_18** Local Retail Sales Tax on Marijuana
- **ODNC013_04_30_18** Establishment of Departmental Revolving Funds
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to amend, to add Part D on Page 1, delete Engineering Services on Page 3, add Solid Waste and Assessor's Office on Page 6, by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to amend, to state that any fund with greater than \$200K (\$350K for Recreational Services) at the end of the fiscal year shall transfer the excess over that amount to the General Fund, by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 6 yes, 5 no (Earls, Khan, Tontar, Vogel, Connell). Motion passed. Motion to amend, to increase Recreational Services threshold to \$400K, by Councillor Earls, seconded by Councillor Vogel. Roll call vote, 3 yes (Earls, Tontar, Vogel), 8 no. Motion failed. Motion to approve as amended by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.
- **ORDR028_04_30_18** FY19 Revolving Fund Spending Limits
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to amend, to reduce Electrical Inspector from \$95K to \$60K, by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed. Motion to approve as amended by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.
- **TRAN009_05_14_18** Free Cash \$191,818.51 to Snow&Ice Lbr \$7,921.19, Snow&Ice Exp \$183,897.32
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **TRAN010_05_14_18** Health Ins \$1,410 to LCM Clerical \$900, LCM General \$510

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

- **TRAN011_05_14_18** Transfers - Capital and Reserve Fund \$1,879,054.50 (COTW)
- **ORDR034_05_14_18** Roof Replacement Projects Loan
- **ORDR035_05_14_18** Budget Order FY2019
- **COMM044_05_14_18** Mayor's Budget Presentation

Education

Councillor Giunta announced a meeting on June 4th at 5:30pm in the Senior Center.

In Committee:

-

General Government

In Committee:

- **ODNC007_02_12_18** Amendment to Division 7 – City Solicitor
- **ORDR016_03_26_18** Naming of the Five (5) Nature Trails Contained in the Little River Trail System

License & Permits

In Committee:

- **COMM029_04_30_18** Outdoor Seating - West Row Café

Neighborhoods and City Services

In Committee:

- **ODNC001_01_11_16** Amend Ch11 Parks and Recreation (COTW)
- **ORDR048_06_13_16** Sidewalk Order
- **COMM111_10_10_17** Petition for Road Repairs and Repaving – Squires Glen
- **COMM028_04_09_18** Essex Coastal Scenic Byway Visitor Center Kiosk
- **ODNC020_05_14_18** Amendment to Chapter 11, Parks & Recreation

Planning & Development

In Committee:

- **ODNC017_10_30_17** Zoning Amendment – No Use Variances (COTW)
- **ODNC003_01_29_18** Zoning - Amendment to Table of Use Regulations
- **ODNC008_02_12_18** Disposition of G. W. Brown School
- **ORDR024_04_09_18** Special Act to Dissolve Newburyport Redevelopment Authority (COTW)
- **COMM036_04_30_18** Memo re: Proposed Marijuana Zoning Amendments
- **ODNC014_04_30_18** Amendment to Demolition Delay
- **ODNC015_04_30_18** Marijuana Zoning – Cultivation (COTW)

Motion to remove from Planning & Development and Committee of the Whole by Councillor Eigerman, seconded by Councillor Khan. So voted. Motion to amend Section XXXI-D.5, reducing the total cumulative square footage from 300,000 square feet to 100,000 square feet, striking “which equates to roughly ten percent of total square footage of buildings within the Business and Industry Park”, and adding “The total number of Marijuana Cultivators in the Business and Industry Park zoning districts (I-1 and I-1B) shall not exceed two”, by Councillor Shand, seconded by Councillor OBrien. Roll call vote, 9 yes, 2 no (Earls, Vogel). Motion passed. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.

- **ODNC016_04_30_18** Marijuana Zoning - Retail Sales (COTW)
- **COMM042_05_14_18** Ltr re: Marijuana Moratorium
- **ORDR033_05_14_18** Adoption of Housing Production Plan
- **ORDR036_05_14_18** Marijuana Retailers Ballot Question

- **ORDR037_05_14_18** Lease of Coast Guard Auxiliary Building on Plum Island Point
- **ODNC021_05_14_18** Temporary Moratorium on Recreational Marijuana Establishments
Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Khan. So voted. Motion to approve as amended in Committee by Councillor Eigerman, seconded by Councillor Khan. Roll call vote, 9 yes, 2 no (Earls, Vogel). Motion passed.

Public Safety

In Committee:

- **COMM020_03_12_18** Newburyport Half Marathon - 10/21/2018
- **ODNC009_02_12_18** Floating Homes, Houseboats, and Related Marinas
- **ODNC012_03_26_18** Amendment to Chapter 13, Section 13-26
- **ORDR023_04_09_18** Additions to 2-Hour Parking Zones
- **ORDR025_04_30_18** Handicapped Space – 17 Merrill Street
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted.
Motion to approve as amended, reducing term from 3/30/2020 to 3/30/2019 and restricting to Monday-Friday 8-4pm, by Councillor Devlin, seconded by Councillor Zeid. So voted.
- **ORDR026_04_30_18** Handicapped Space – 29 Tyng Street
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Tontar. So voted.
Motion to approve by Councillor Devlin, seconded by Councillor Tontar. So voted.
- **ORDR031_04_30_18** No Parking Titcomb from Pleasant to Merrimac
- **ORDR032_04_30_18** No Parking Merrimac St from Titcomb St Running Westerly
- **COMM039_05_14_18** Feline Rescue Strut for Strays - 6/3/2018
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor OBrien. So voted.
Motion to approve by Councillor Devlin, seconded by Councillor OBrien. So voted.
- **COMM040_05_14_18** Ride to End Alzheimer's - 6/9/2018
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Earls. So voted.
Motion to approve by Councillor Devlin, seconded by Councillor Earls. So voted.
- **COMM041_05_14_18** Lions Club Bed Race - 8/2/2018
- **COMM043_05_14_18** Greek Food Festival - July 27-29, 2018

Public Utilities

In Committee:

- **COMM122_11_27_17** Mobilitie Application/Small Cell Utility Petition (re-file)

Rules Committee

In Committee:

16. GOOD OF THE ORDER

17. ADJOURNMENT

Motion to adjourn by Councillor Zeid, seconded by Councillor Tontar. So voted. 10:21pm.

TRANSFERS



City of Newburyport

FY 2018

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2018 JUN -5 PM 1:54

Department: Mayor's Office
Submitted by: Donna D. Holaday, Mayor **Date Submitted:** 6/11/2018

Transfer From:

Account Name	<u>Solid Waste Fee</u>	YTD Bal:	<u>\$ 318,544.06</u>
Account Number:	<u>2747-59600</u>	Trans In:	<u> </u>
Amount:	<u>\$35,000.00</u>	Trans Out:	<u>\$ -</u>
Why are Funds Available:	<u>Funded through compost and bulk sticker fees.</u>		
<u>This transfer is the standard method for moving funds from Reserve for Appropriations accounts into General Fund accounts.</u>			

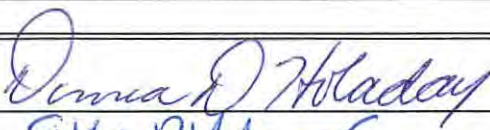
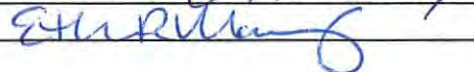
Transfer To:

Account Name	<u>Resiliency Plan Technical Assistance</u>	YTD Bal:	<u>\$ -</u>
Account Number:	<u>New account</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$15,000.00</u>	Trans Out:	<u>\$ -</u>
Why are Funds Required:	<u>To provide technical assistance in writing the City's Resiliency Plan, currently being drafted by the ad-hoc Community Resiliency Committee. See attached explanatory memorandum.</u>		

Transfer To:

Account Name	<u>Household Hazardous Waste</u>	YTD Bal:	<u>\$ (16,728.28)</u>
Account Number:	<u>01519002-53424</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$20,000.00</u>	Trans Out:	<u>\$ -</u>
Why are Funds Required:	<u>To cover funding of hazardous waste account expenditures at the recycling center.</u>		

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

Date: 6/5/18
 Date: 6/5/18



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

JUN -5 PM 1:56

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

Donna D. Holaday
Donna

To: President Connell & City Councilors
Date: June 4, 2018
Re: Transfer request to develop Resiliency Plan for Newburyport and Plum Island
From: Donna D. Holaday, Mayor

As you may know, I convened a Community Resiliency Committee (CRC) in 2015 for the purpose of preparing our city for the devastating impacts that climate change/storm surge will bring upon us. The mission of the CRC is to analyze, coordinate and develop a plan in conjunction with regional planning efforts to increase community resilience related to impacts of climate change including sea level rise, storm surge, flooding and extreme weather events throughout the City. Further, the committee will advocate for and oversee implementation of the plan's recommendations.

As part of their efforts, they have worked on a number of federal and state grant projects that have focused on resiliency and adaptation measures, most notably the Great Marsh Coastal Adaptation Plan funded by the Hurricane Sandy Coastal Resiliency Competitive Grants Program and the more recent Municipal Vulnerability Preparedness (MVP) Community Resilience Building (CRB) Workshop provided by MA Executive Office of Energy and Environmental Affairs.

The Committee is now preparing to draft our city's own Resiliency Plan but need the assistance of a consultant in writing the final Plan. We request the City Council provide \$15,000 in the FY19 Budget to fund the services of a technical writer. This is a critical document that must be developed to place Newburyport in a competitive position for future resiliency grants. The Committee members will provide input and remain active in preparing the final Plan but they do not have the resources to do the writing themselves so they requested assistance.

Thank you for your consideration on this matter.



City of Newburyport

FY 2018

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

JUN -5 PM 1:55

Department: DPS - SEWER DIVISION

Submitted by: Anthony Furnari, Director

Date Submitted: 6/11/2018

Transfer From:

Account Name	SEW Biosolids Disposal	YTD Bal:	\$	142,343.08
Account Number:	61440002 53040	Trans In:	\$	-
Amount:	\$90,000.00	Trans Out:	\$	-
Why are Funds Available:	<i>An surplus is anticipated in this line item due to changes in processes at the wastewater treatment facility, which have resulted in reduced biosolids disposal costs.</i>			

Transfer To:

Account Name	SEW Plant Chemicals	YTD Bal:	\$	(6,325.84)
Account Number:	61440004 54302	Trans In:	\$	-
Amount:	\$90,000.00	Trans Out:	\$	-
Why are Funds Required:	<i>The addition of bioxide and magnesium hydroxide to the treatment process results in higher chemical costs. Bioxide is added to waste leaving Plum Island and assists with odor control. Magnesium hydroxide is added at the wastewater treatment plant to help maintain alkalinity control at the plant. The magnesium hydroxide is a recent addition to the treatment process and was not part of the various plant improvement projects.</i>			

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

Date: 6/5/18
Date: 6/5/18



City of Newburyport

FY 2018

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

JUN -5 PM 1:55

Department: DPS - HIGHWAY

Submitted by: Anthony Furnari, Director

Date Submitted: 6/11/2018

Transfer From:

Account Name	<u>RSV APP - DPW GAS</u>	YTD Bal:	\$ 98,336.58
Account Number:	<u>2722-59600</u>	Trans In:	\$ -
Amount:	<u>\$15,000.00</u>	Trans Out:	\$ 128,223.00
Why are Funds Available:	<u>This is the standard method of funding the DPS fuel and oil account. As City departments pay for gasoline, the funds are deposited into this reserve for appropriation account and then transferred into the fuel and oil expenditure account within the Highway budget to purchase more fuel.</u>		

Transfer To:

Account Name	<u>DPS Highway-Fuel and Oil</u>	YTD Bal:	\$ 5,108.75
Account Number:	<u>01421004-54801</u>	Trans In:	\$ -
Amount:	<u>\$15,000.00</u>	Trans Out:	\$ -
Why are Funds Required:	<u>Funds are required by buy gasoline and oil that is used by City vehicles.</u>		

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

<u><i>Donna D Holaday</i></u>	Date: <u>6/15/18</u>
<u><i>Ethan R Manning</i></u>	Date: <u>6/15/18</u>



City of Newburyport

FY 2018

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

JUN -5 PM 1:55

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor

Date Submitted: 6/11/2018

Transfer From:

Account Name	Health Insurance	YTD Bal:	\$	918,910.07
Account Number:	01914001-51700	Category:	\$	1,031,723.41
Amount:	\$85,000.00	Trans I/O:	\$	(39,960.00)
Why are Funds Available:	<i>A surplus is anticipated in the health insurance line item at year-end.</i>			

Transfer To:

Account Name	Fire Overtime	YTD Bal:	\$	(31,219.83)
Account Number:	01191002-53020	Category:	\$	341,050.55
Amount:	\$85,000.00	Trans I/O:		
Why are Funds Required:	<i>The FY2018 appropriation for Fire Overtime was \$272,250. Overtime is predominantly used to cover paid time off, including vacation, sick and personal time. An additional \$85,000 is anticipated to pay overtime costs through year-end.</i>			

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




Date: 6/5/18
Date: 6/5/18

01220001-51301	AS OF DATE: FY 18	YTD	EXPENDED
	Categories of overtime breakdown		
5.30.2018			
	VACATION DAY/NIGHT	\$	145,008.00
	PERSONAL DAY/NIGHT	\$	15,392.00
	ACTING LIEUTENANT	\$	2,293.00
	SICK COVERAGE	\$	62,455.00
	INJURY COVERAGE	\$	408.00
	BEREAVEMENT	\$	7,732.00
	DISPATCH COVERAGE	\$	-
	CALL BACK	\$	20,201.00
	STORM COVERAGE	\$	17,047.00
	TRAINING	\$	12,888.00
	MUTUAL AID	\$	14,897.00
	MEETINGS	\$	436.00
	FIRE ALARM	\$	-
	YANKEE HOMECOMING	\$	5,213.00
	MISCELLANEOUS	\$	18,994.00
	HAZMAT	\$	-
	REGULAR 3%	\$	7,071.00
	FIRES	\$	-
	STATION COVERAGE	\$	3,648.00
	GAS LEAK	\$	-
	BOAT	\$	1,918.00
	APPARATUS MAINTENANCE	\$	5,253.00
	TOTAL	\$	340,854.00



City of Newburyport

FY 2018

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

JUN -5 PM 1:55

Department: Police Department

Submitted by: Mark R Murray, City Marshal

Date Submitted: 6/11/2018

Transfer From:

Account Name	<u>POL Maint-Vehicles</u>	YTD Bal:	<u>\$ 11,405.66</u>
Account Number:	<u>01210002-52403</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$6,000.00</u>	Trans Out:	<u>\$ -</u>
Why are Funds Available:	<u>A surplus is anticipated in the Vehicle Maintenance line item at year-end due to a newer fleet, which requires fewer repairs.</u>		

Transfer From:

Account Name	<u>POL Fuel/Oil Vehicles</u>	YTD Bal:	<u>\$ 22,806.79</u>
Account Number:	<u>01210004-54801</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$18,500.00</u>	Trans Out:	<u>\$ -</u>
Why are Funds Available:	<u>A surplus is anticipated in the Fuel/Oil line item at year-end.</u>		

Transfer From:

Account Name	<u>POL Ammunition</u>	YTD Bal:	<u>\$ 5,377.93</u>
Account Number:	<u>01210004-55801</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$4,081.00</u>	Trans Out:	<u>\$ -</u>
Why are Funds Available:	<u>Every fiscal year the police department has 2 range trainings. One was completed in October. Upon scheduling the 2nd training it was discovered that the Seabrook Shooting Range was closed until further notice, therefore leaving a surplus in this line item. The department is in the process of locating a new shooting range for FY19.</u>		

Transfer To:

Account Name	<u>POL Vehicle Purchase/Lease</u>	YTD Bal:	<u>\$ 0.91</u>
Account Number:	<u>01210008-58502</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$28,581.00</u>	Trans Out:	<u>\$ -</u>
Why are Funds Required:	<u>Car 3, a 2008 Dodge Charger, is in need of replacement. The frame and wheel wells are rusting and has extraordinary maintenance costs that exceed the value of the vehicle. See attached memo.</u>		

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

Donna D. Holaday
Ethan R. Manning

Date: 6/5/18
Date: 6/5/18



CITY OF NEWBURYPORT

POLICE DEPARTMENT

June 5, 2018

MARK R. MURRAY
CITY MARSHAL

To: City Council
From: City Marshal Mark Murray
RE: Transfer Request

4 GREEN STREET
NEWBURYPORT, MA 01950

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

The Police Department is requesting a transfer for the purchase of a new unmarked police vehicle, a 2017 Ford Police Interceptor. This vehicle will replace the current 2008 Dodge Charger administrative vehicle. We purchase administrative vehicles because they are assigned to one person and usually last a lot longer than a front line marked cruiser. The line item for purchasing cruisers is utilized to lease front line cruisers and is based on a 3 year term. The average cost of a cruiser is \$42,000.

There are no spare administrative cars right now in the event of a breakdown. The 2008 Dodge Charger is the oldest car in the police fleet. It is showing signs of wear and potentially unreliable. Specifically, one of the wheel wells is rusted through, the frame is rusting, and the lifters in the engine are knocking. This lifter knocking is a condition that was experienced with previously police-owned Dodge Chargers shortly before they were mechanically dead lined and taken out of service.

Mark Murray

City Marshal



City of Newburyport

FY 2018

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2018 JUN -5 PM 1:56

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor

Date Submitted: 6/11/2018



Transfer From:

Account Name	General Fund - Free Cash	YTD Bal:	\$	663,160.77
Account Number:	01-35910	Trans In:	\$	-
Amount:	\$20,563.00	Trans Out:	\$	1,830,378.23
Why are Funds Available:	<i>The Massachusetts Department of Revenue certified Free Cash for FY2018 at \$2,493,539. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council. YTD balance includes all pending transfers.</i>			

Transfer To:

Account Name	Fire HVAC Replacement	YTD Bal:	\$	-
Account Number:	New Account	Trans In:	\$	-
Amount:	\$20,563.00	Trans Out:	\$	-
Why are Funds Required:	<i>The air conditioning system at the Fire Headquarters is an old R-22 refrigerant system, with hard to find and expensive parts. One of the condensers has a seized compressor, which would be costly to repair. Given the age of the system and the repairs needed to make it operational for the summer, a replacement of the system is recommended. Attached is an estimate provided to the department detailing the scope of work. The Chief has solicited other quotes as well.</i>			

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

Date: 6/5/18
Date: 6/5/18

.....

David Heating & Cooling
19 Church Street
Merrimac, MA 01860
978-346-4216

David Heating & Cooling

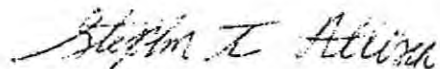
May 31, 2017

Deputy Steve Bradbury
Newburyport Fire Dept.
0 Greenleaf Street
Newburyport, MA.

Deputy Steve Bradbury,

The air conditioning system is on it's last legs. One of the condensers has a seized compressor. The rest of the air conditioning components are original to the building. Continuing to try to find parts for this old R-22 refrigerant system would be extremely expensive, and the air conditioning would be undependable at best. Upon a complete survey of the air conditioning system we have put together a compressive proposal to upgrade the air conditioning system for a great many years to come. If you have any questions, please give me a call at your earliest convenience. Also enclosed is a separate quote to install a heat recovery ventilator which would bring a measured amount of fresh air into the are conditioned areas.

Sincerely,



Stephen T. Allison

.....

**PROPOSAL
DAVID HEATING & COOLING
19 Church Street
Merrimac, MA 01860
978-346-4216**

Proposal Submitted to:

Work to be performed at:

**Name: Newburyport Fire Dept
Street: 0 Greenleaf Street
City: Newburyport
State: MA.**

**Street: 0 Greenleaf Street
City: Newburyport
State: MA**

Telephone Number: 978-465-4427

Date: 5/31/18

1

We hereby propose to furnish all the materials and perform all the labor necessary for the completion of the installation of replacement central air conditioning system.

The system is to be ten tons of cooling. (120,000 Btu/hr). The equipment supplied is two Heil five ton air conditioning condensers model # N4A360GKN modular blowers 13 seer 410A refrigerant with two matching five ton cased coils model # END4X60L24A.

All sheet metal transitions and fittings to connect new air handlers to existing ductwork.

All new refrigerant lines from the new Air Handler to the condensers.

Included is digging trenches, back filling and repairing walk way.

All electrical controls, hangers, hardware, necessary piping, tubing to complete installation.

Included is lightweight air conditioning condensing pads, condensate drains, wet switches, electrical controls, refrigerant and relays. Removal and disposal of old equipment and debris included.

All permits fees included.

Electrical wiring included.

Two-year warranty on workmanship and labor.

Three-year warranty on electrical component and component parts.

Limited five-year warranty on compressor.

All material is guaranteed to be as specified, and the above work to be performed and completed in a substantial workmanlike manner for the sum of (\$ 16,513.00) dollars due upon completion of quoted work the day of the job.

Any alteration or derivation from above specifications involving extra costs, to be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's compensation and Public Liability Insurance on above work to be taken out by

David Heating & Cooling Inc.

Respectfully Submitted: Stephen T. Allison

Note- this proposal may be withdrawn by us if not accepted within 30 days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

**Date
accepted:**

Signature:

PROPOSAL
DAVID HEATING & COOLING
19 Church Street
Merrimac, MA 01860
davidheatingandcooling@gmail.com
978-346-4216

Proposal Submitted to:

Work to be performed at:

Name: Newburyport Fire Dept.

Street: 0 Greenleaf Street

Street: 0 Greenleaf Street

City: Newburyport

City: Newburyport

State: MA.

State: MA.

Telephone Number: 978-465-4427

Date: 5/31/18

2

We hereby propose to furnish all the materials and perform all the labor necessary for the installation of one new Honeywell Heat Recovery Ventilation System model # VNT5200H1000.

Also included is a new Humidistat. Fresh air and exhaust piping, electrical wiring and controls.

All ducting, hangers and hardware as needed included to complete the installation.

Two year warranty on workmanship and labor.

Three year warranty on parts.

All material is guaranteed to be as specified, and the above work to be performed and completed in a substantial workmanlike manner for the sum of (\$ 4,050.00) dollars due upon completion of quoted work the day of the job.

Any alteration or derivation from above specifications involving extra costs, to be executed only upon written order, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's compensation and Public Liability Insurance on above work to be taken out by David Heating & Cooling Inc.

Respectfully Submitted: Stephen T. Allison

Note- this proposal may be withdrawn by us if not accepted within 30 days.

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date

Signature:

accepted:

COMMUNICATIONS

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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2018 MAY 29 AM 9:14

ORDR036_05_14_18 Marijuana Retailers Ballot Question

May 26, 2018

Dear President Connell, and honorable City Council members;

Sadly, there has been extensive misinformation and misguidance on Facebook, Social Media, and most recently in the Daily News varying form of Letters to the Editor to the Daily News' own online POLL regarding the **Commonwealth Ballot Question 4 on November 2016**; which was voted YES by 53.6%, and NO by 46.4% of MA residents, and in Newburyport YES 55% vs NO 45% (Simple Majority in both cases).

The Majority that voted YES on the Ballot also voted YES to every part of Question 4 including paragraph 5 of the ballot question ***"The proposed law would authorize cities and towns to adopt reasonable restrictions on the time, place, and manner of operating marijuana businesses and to limit the number of marijuana establishments in their communities. A city or town could hold a local vote to determine whether to permit the selling of marijuana and marijuana products for consumption on the premises at commercial establishments."***

Question 4 was approved by the State Senate and House of Representative **BILL H. 3818**, and signed into LAW by Governor Baker; **Chapter 94G**: "REGULATION OF THE USE AND DISTRIBUTION OF MARIJUANA NOT MEDICALLY PRESCRIBED".

M.G.L. c. 94G, § 3(b) grants Cities and Towns the right for a Ballot Question and Voting to allow or ban the Recreational sale of Marijuana: ***"The city council of a city and the board of selectmen of a town shall, upon the filing with the city or town clerk of a petition (i) signed by not fewer than 10 per cent of the number of voters of such city or town voting at the state election preceding the filing of the petition and (ii) conforming to the provisions of the General Laws relating to initiative petitions at the municipal level, request that the question of whether to allow, in such city or town, the sale of marijuana and marijuana products for consumption on the premises where sold be submitted to the voters of such city or town at the next biennial state election. If a majority of the votes cast in the city or town are not in favor of allowing the consumption of marijuana or marijuana products on the***

premises where sold, such city or town shall be taken to have not authorized the consumption of marijuana and marijuana products on the premises where sold.”

Thus, voting NO on **ORDR036_05_14_18 Marijuana Retailers Ballot Question**, not only defies the Newburyport Voters who voted YES to Question 4 in entirety, but also defies the Commonwealth LAW M.G.L. c. 94G, § 3(b).

As for other circulating misinformation about Risk-Benefit of Recreational Marijuana which is entirely different from Medical Marijuana; there are plenty of evidence-based studies and research on Federal and Medical websites including, but not limited to:

1. Centers for Disease Control and Prevention (**CDC**):
<https://www.cdc.gov/marijuana/index.htm>
2. National Academies of Sciences, Engineering, and Medicine (**NASEM**) report: The Health Effects of Cannabis and Cannabinoids:
<https://www.nap.edu/read/24625/chapter/1>
3. American Academy of Pediatrics (**AAP**):
<https://www.aap.org/en-us/about-the-aap/Committees-Councils-Sections/substance-use/Pages/marijuana.aspx>
4. National Institutes of Health (**NIH**) – National Institute on Drug Abuse (**NIDA**):
<https://www.drugabuse.gov/publications/drugfacts/marijuana>
5. National Highway Traffic Safety Administration (**NHTSA**):
<https://www.nhtsa.gov/risky-driving/drug-impaired-driving>

I am kindly asking that the honorable City Council would vote YES on ORDR036_05_14_18 Marijuana Retailers Ballot Question in accordance with M.G.L. c. 94G, § 3(b).

Respectfully submitted,

Hazem Mahmoud, M.D., Ph. D.

Professor of Pediatric Hematology Oncology

52A Ferry Road, Newburyport, MA 01950



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 JUN -1 AM 10:45

CITY OF NEWBURYPORT
60 PLEASANT STREET
NEWBURYPORT, MA 01950

BLOCK PARTY APPLICATION

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

DATE OF REQUEST: May 30, 2018

CONTACT INFORMATION

FIRST AND LAST NAMES: Jamie Chabot

MAILING ADDRESS: 4 Congress St. NBPT, MA 01950

PHONE NUMBER: 775-240-6836

E-MAIL ADDRESS: JamieChabot1@gmail.com

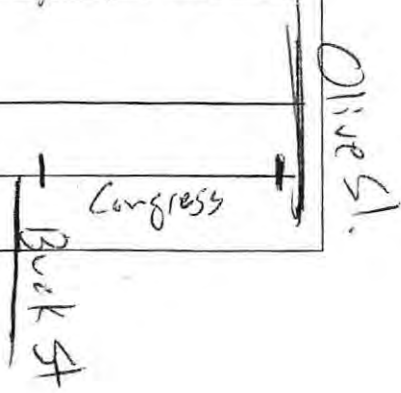
BLOCK PARTY INFORMATION

BLOCK PARTY DATE: August 4, 2018

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

STREET TO BE BARRICADED: Congress only

DESIRED STREET CLOSING TIME: 6:00P - 10:00PM
Block Parties should run no later than 10:00 p.m.



REGULATIONS

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

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

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

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

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

Applicant signature: _____ Date: _____

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHALL

4 Green Street

FIRE CHIEF

Greenleaf Street

DEPUTY DIRECTOR

1 Perry Way

CITY CLERK

60 Pleasant Street

_____ *R. L. ...*

_____ *Stacie Depina*

_____ *[Signature]* 6/1/2018

_____ *[Signature]*

City use only:

Approved _____ Denied _____ Date _____

CITY CLERK'S OFFICE
NEWBURYPORT, MA

2018 MAY 31 AM 9:58

Newburyport Firefighters Local 827
International Association of Firefighters

0 Greenleaf Street
Newburyport, MA 01950

To: Newburyport City Council

April 29, 2018

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

Fill-The-Boot Drive for the Muscular Dystrophy Association during the 2017 Yankee Homecoming Celebration. The location will be Market Square on Thu Aug 2, Fri Aug 3, and Sat Aug 4, 2018. All proceeds collected go directly to MDA. Thank you for your continued support.

Firefighter Michael Kent

Michael Kent
MDA Chairman

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

Michael Kent: 978-360-1361

NEWBURYPORT SPECIAL EVENT APPLICATION

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

Tel.

Fax.

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

2016 MAY 31 AM 9:58

NAME OF EVENT: FILL-THE-BOOT-for M D A

Date: AUG 2, 3, 4 Time: from 10 am to 4 pm

Rain Date: _____ Time: from _____ to _____

2. Location: MARKET SQUARE

3. Description of Property: _____ Public Private _____

4. Name of Organizer: NEWBURYPORT FIRE City Sponsored Event: Yes _____ No

Contact Person MICHAEL KENT

Address: 0 Greenleaf St Telephone: 978 465 4427

E-Mail: Mkent@cityofnewburyport Cell Phone: _____

Day of Event Contact & Phone: _____

5. Number of Attendees Expected: N/A

6. MA Tax Number: N/A

7. Is the Event Being Advertised? YES Where? SOCIAL MEDIA / Newspaper

8. What Age Group is the Event Targeted to? N/A

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: N/A

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? _____
- 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 _____

WALKATHON _____

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

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

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

4. Date of Event: _____ Expected Number of Participants: _____

5. Start Time: _____ Expected End Time: _____

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

7. Locations of Water Stops (if any): _____

8. Will Detours for Motor Vehicles Be Required? _____ If so, where? _____

9. Formation Location & Time for Participants: _____


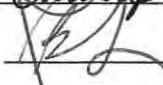
10. Dismissal Location & Time for Participants: _____

11. Additional Parade Information:

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

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE 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>	
	<input type="checkbox"/> Yes: \$ _____ due on _____	<input type="checkbox"/> No Fee for Special Events applies
	Other requirements/instructions per DPS _____	
___	10. Recreation Department:	_____
___	11. License Commission	_____

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

Limitations

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

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

13-101 Enforcement

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

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

Signed: _____ **Date:** _____

NEWBURYPORT SPECIAL EVENT APPLICATION

CITY CLERK'S OFFICE
NEWBURYPORT, MA

Tel. _____

Fax. _____

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

2018 JUN - 5 AM 9:30

NAME OF EVENT: 28th High Street Mile

Date: 8/5/18 Time: from 8:45 to 10:00

Rain Date: None Time: from _____ to _____

2. Location: High St. (Athens Comm → High School)

3. Description of Property: _____ Public _____ Private _____

4. Name of Organizer: Mike McCormick City Sponsored Event: Yes _____ No

Contact Person

Address: 16 Norman Ave Nbpt Telephone: 978-382-0738

E-Mail: mmcc12@gmail.com Cell Phone: _____

Day of Event Contact & Phone: Same *see above*

5. Number of Attendees Expected: 500+

6. MA Tax Number: _____

7. Is the Event Being Advertised? Yes Where? Running magazines and websites. Daily News

8. What Age Group is the Event Targeted to? 3-99

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 Given away to participants Beverages _____ Alcohol _____ Goods _____ Total # of Vendors _____

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

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

Other N/A 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? 4-5
- b) How many recycling receptacles will you be providing? 1-2
- 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 None
- 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 # 1 ADA accessible

Name of company providing the portable toilets: Bob's

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____

ROAD RACE / _____

WALKATHON _____

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

Winner's Circle Running Club, Sponsored by Institution for Savings

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

Mike McCormick 978-382-0738

16 Norman Ave

Newburyport

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

Same

4. Date of Event: 8/5/18 Expected Number of Participants: 500-600

5. Start Time: 9:00 (sign-up at 7:30) Expected End Time: 10:15

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

High Street. Atholson Common / 'Three roads' to High School (NHS)

7. Locations of Water Stops (if any): None

8. Will Detours for Motor Vehicles Be Required? yes If so, where? Toppen Ln Kent St.

9. Formation Location & Time for Participants: Atholson Common 7:30

10. Dismissal Location & Time for Participants: 10:00 - NHS grounds

11. Additional Parade Information:

NA

• 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

[Signature] 6/4/18

0 Greenleaf St.

DEPUTY DIRECTOR [Signature] 16A Perry Way

CITY CLERK

[Signature]

60 Pleasant St.

DEPARTMENT APPROVAL (for Committee Member use only):

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

Approval Required

Date: _____ Signature _____

1. Special Events: _____

2. Police: _____
Is Police Detail Required: _____ # of Details Assigned: _____

3. Traffic, Parking & Transportation: _____

4. ISD/Health: _____

5. Recycling: _____

6. ISD/Building: _____

7. Electrical: _____

8. Fire: _____
Is Fire Detail Required: _____ # of Details Assigned: _____

9. Public Works: *Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply*
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

Sec 13-97. - Road races, walkathons, bicycle and other multidisciplined events.

(a) *Short title.* This section may be cited as the "road races, walkathons and bicycle events."

(b) *Purpose and intent.* The use of city streets and sidewalks for the purpose of road races, walkathons or bicycle tours are positive events that promote exercise, general good health and Newburyport as a destination. These events do from time to time create hardships, impacting neighborhoods and traffic. To create a balance between conflicting interests, by safeguarding participants, residents, visitors and the City of Newburyport, this section will define and codify the procedure for the benefit of all.

(c) *Definitions.*

(1) *Road race.* A competitive or non-competitive running event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(2) *Walkathon.* A competitive or non-competitive walk event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(3) *Bicycle race.* A competitive or non-competitive bicycling event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(4) *Multidisciplined event.* A competitive or non-competitive event requiring or offering running, walking, biking, swimming or any combination thereof in which an entry fee is required or a charitable donation is solicited or suggested.

(5) *Event.* Any road race, walkathon, bicycle race, multi-disciplined event as defined above.

(d) *Limitations.*

(1) *Procedure.* All events shall, through that event's organizer, board of directors, charity foundation or designee ("organizer") apply for city council authorization to hold the event through the office of the city clerk no later than sixty (60) days before the event's proposed date. There shall be a grace period through December 31, 2017, during which applications will be accepted beyond the prescribed due date. Prior to application with the city council, the event shall file and receive approval from all applicable city departments, boards, and commissions. Copies of such approved applications, including along with documentation of any fees, donations, in-kind donations paid as part of said application(s), shall be included as part of the city council application.

The date of application is the date a completed application is submitted to the city clerk's office and stamped by the same. The city clerk, upon review of the completed form, will place the application on the next regular city council agenda, even if such submission is a late file. 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 application shall name one (1) person responsible on the application and shall provide contact information to include name, address, email address, and telephone number.

(2) *Exemptions.* Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.

(3) *Course map.* All applications shall be accompanied by a legible, precise course map showing the event route, water stops, refreshment stops, and so-called "port-a-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 harbor masters departments prior to submission to the city clerk.

(4) *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 not be used for public address announcements or music before 9:00 a.m.

(5) *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 fourteen (14) days in advance that neighborhood roads will be closed if no alternate route is available to those residents. Notification shall be made by race organizers by informational packet drop-off at all residences that may be impacted, including, but not limited to, road closures, restricted driveway access, parking restrictions, or noise. In the case of multi-family residences with so-called security doors, notification will be sufficient at said security door. A copy of the notification shall be provided to the city clerk and, when possible, posted on the city website and distributed via email. Further,

a list of all streets notified shall be provided to the city clerk to be date stamped and appended to the application record. Press releases and other media type notifications are encouraged.

(6) *Insurance.* All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an additional insured. The policy shall be no less than two million dollars (\$2,000,000.00).

(7) *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.

(8) *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 assist in the organizing and coordinating the safety and security of the event. All special duty assignments will be paid by the event organizers.

(9) *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.

10) *Parking.* The event organizers shall be responsible for including parking instructions in materials disseminated to event participants. If the event is happening within one-half mile of municipal parking, then participants shall be asked to park at such parking facilities.

(11) *Notification of previous event organizers.* To the extent reasonably possible, the city clerk shall notify all event organizers from events held from 2014—2016, inclusive, by a one-time phone, email, or letter of the new application timeline and other requirements.

(12) *Simplification.* Departments are encouraged to unify their respective applications into a singular application, managed and distributed by the city clerk's office.

(13) *Americans with Disabilities Act.* Event organizers are reminded of the importance of and expectation of adherence to the Americans with Disabilities Act of 1990 (42 U.S.C § 12101) and subsequent applicable amendments.

(e) *Enforcement.*

(1) *Regulations.* Consistent with this section, the city shall promulgate regulations to enforce and otherwise implement the provisions of this section upon passage by the city council. Any event previously approved by city council shall be deemed permitted.

(2) *Warning.* In the circumstance that this section 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.

(3) *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 section 1-17 of chapter 1 of the Code or Ordinances of the City of Newburyport in the amounts set herein in subsection (e)(4) below.

(4) *Violation.* The non-criminal violation shall be one hundred dollars (\$100.00) for the first offense and two hundred fifty dollars (\$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.

(5) *Failure to notify.* If the event fails to notify residents and provide documentation to the city clerk, pursuant to subsection (d)(5) above, shall render that organization ineligible to receive an event permit for a period of twelve (12) months unless special leave is granted by two-thirds supervote of the city council.

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

Signed: _____ Date: _____



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/17/2018

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 STAR Insurance - Fort Wayne Office 2130 East Dupont Road Fort Wayne IN 46825	CONTACT NAME: Margaret Mayers
	PHONE (A/C, No, Ext): (260) 467-5689 FAX (A/C, No): (260) 467-5691
	E-MAIL ADDRESS: margaret.mayers@starfinancial.com
	INSURER(S) AFFORDING COVERAGE NAIC #
	INSURER A: National Casualty Company 11991
	INSURER B: Nationwide Life Insurance Co. 66869
	INSURER C:
	INSURER D:
	INSURER E:
	INSURER F:

COVERAGES CERTIFICATE NUMBER: 2018 \$1M A.I. REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY		KRO0000007170900	12/31/2017	12/31/2018	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000
	<input checked="" type="checkbox"/> Legal Liability to Participant \$1,000,000					MED EXP (Any one person) \$ 5,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					PERSONAL & ADV INJURY \$ 1,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC					GENERAL AGGREGATE \$ Unlimited
	OTHER:	Abuse & Molestation				PRODUCTS - COMP/OP AGG \$ 1,000,000
		Aggregate \$5,000,000				Abuse and Molestation \$ 500,000
A	AUTOMOBILE LIABILITY		KRO0000007170900	12/31/2017	12/31/2018	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	<input type="checkbox"/> ANY AUTO ALL OWNED AUTOS	<input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS				BODILY INJURY (Per person) \$
	<input checked="" type="checkbox"/> HIRED AUTOS	<input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS				BODILY INJURY (Per accident) \$
						PROPERTY DAMAGE (Per accident) \$
						\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR					EACH OCCURRENCE \$
	EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE					AGGREGATE \$
	DED <input type="checkbox"/> RETENTION \$					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	Y/N				PER STATUTE OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> N/A				E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$
B	Excess Medical & Accident (\$250 Deductible/Claim)		SPX0000028554500	12/31/2017	12/31/2018	Excess Medical \$10,000
						AD & Specific Loss \$2,500

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 CERTIFICATE HOLDER IS NAMED AS AN ADDITIONAL INSURED AS RESPECTS TO THEIR INTEREST IN THE OPERATIONS OF THE NAMED INSURED. DATE OF EVENT(S): 08/05/18 28th Annual High Street Mile INSURED RRCA CLUB/EVENT MEMBER: Winner's Circle Running Club, Attn: Jane Lemuth, 211 Elm Street, Salisbury, MA 01952

CERTIFICATE HOLDER 08/05/18 City of Newburyport 90 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 Terry Diller/LKR <i>Terry R. Diller, CPCU</i>

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Neurofibromatosis Northeast

9 Bedford Street ~ Burlington, MA 01803

781-272-9936 ~ info@nfnortheast.org

www.nfnortheast.org

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2018 JUN -1 AM 10:26

Committee

Ben Buttrick &
Kevin McKelvey
Co-Chairpersons

Alex Cellucci
Kate Duff
Megan Duff
Peter Gentile
Chanda McKee
Elaine Powers
John Roy

May 30, 2018

Richard Jones
City Clerk
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

Dear Mr. Jones,

On behalf of Neurofibromatosis Northeast, I am seeking permission once again to include your city in our route for the upcoming 8th Annual Coast to the Cure bike ride. Coast to the Cure takes place on Saturday, September 8, 2018. The ride starts and finishes from Stage Fort Park in Gloucester. The event consists of four prescribed routes (24, 40, 66 and 100 miles) encompassing 18 communities: Beverly, Ipswich, Wenham, Hamilton, Essex, Manchester, Georgetown, Groveland, North Andover, Boxford, Middleton, Topsfield, Rowley, Haverhill, Amesbury, Merrimac, Newbury and Newburyport.

I can assure you that all participants will wear helmets, travel in an organized fashion on public roads, never on private property, and will obey the rules of the road. We anticipate approximately 50 participants biking through the city over a four hour period.

The route through Newburyport involves the following roads: Cross Chain Bridge, left on Merrimack Street, right on Kent Street, stop at rest stop, turn around, right on Kent Street, right on Merrimack Street/Water Street, right on Ocean Street.

Attached please find a special events application in need of your final signature, route map and turn-by-turn course.

Proceeds from the event benefit Neurofibromatosis Northeast and support our mission of finding a cure and treatment for neurofibromatosis by promoting scientific research, creating awareness, and supporting those who are affected by NF.

Thanks so much for your consideration.

Sincerely,

Diana Flahive
Director of Operations and Events

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

An advocate for NF patients and families since 1988

NEWBURYPORT SPECIAL EVENT APPLICATION

Tel. 781-272-9936 Fax. 781-272-9937

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

NAME OF EVENT: Coast to the Cure NF Bike Ride

Date: 9/8/18 Time: from 6AM to 4PM

Rain Date: n/a Time: from _____ to _____

2. Location: Starts & ends at Stage Fort Park, Gloucester route goes through Newburyport

3. Description of Property: public roads in Newburyport Public Private _____

4. Name of Organizer: Neurofibromatosis Northeast City Sponsored Event: Yes _____ No

Contact Person Diana Flahive

Address: 9 Bedford St. Burlington, MA Telephone: 781-272-9936

E-Mail: dflahive@nfnortheast.org Cell Phone: 617-777-5397

Day of Event Contact & Phone: Diana Flahive, 617-777-5397

5. Number of Attendees Expected: 50 people riding over 4 hour period.

6. MA Tax Number: 04-3013709

7. Is the Event Being Advertised? yes Where? Facebook, posters, radio

8. What Age Group is the Event Targeted to? 25-65

9. Have You Notified Neighborhood Groups or Abutters? Yes No _____, Who? all 18 communities the route goes through

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 _____ n/a

If yes:

- a) How many trash receptacles will you be providing? _____
- 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 _____

WALKATHON _____

Bike Ride

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

New England Bio Labs + Dassault - main sponsors
NE Northeast

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

Northeast, 9 Bedford St, Burlington, MA 01803
781-272-9936

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

Diana Flahive
9 Bedford St. Burlington, MA 617 7775397

4. Date of Event: 9/8/18 Expected Number of Participants: 50

5. Start Time: 8AM Expected End Time: 4PM

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

chain bridge, Memmuck, Kent, Water,
ocean

7. Locations of Water Stops (if any): n/a

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

9. Formation Location & Time for Participants: start/finish stage Fort park

10. Dismissal Location & Time for Participants: ride should be Gloucester.

11. Additional Parade Information: n/a over by 4PM.

• 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.

3 CITY MARSHAL  4 Green St.

FIRE CHIEF  0 Greenleaf St. 2

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: <u>4/19/18</u>	Signature: <u><i>Diana Farkas</i></u>	
___	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>	
		<input type="checkbox"/> Yes: \$ _____ due on _____	<input type="checkbox"/> No Fee for Special Events applies
		Other requirements/instructions per DPS _____	
___	10.	Recreation Department:	_____
___	11.	License Commission	_____

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

Limitations

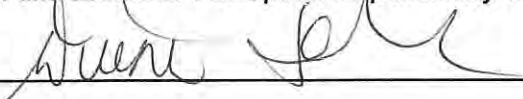
- (a) *"Procedure"* All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, board of directors, charity foundation or designee apply for authorization to hold the event through the Office of the City Clerk. The City Clerk upon review of the completed form will place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

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

13-101 Enforcement

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

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

Signed:  **Date:** 4/19/18

Coast to the Cure 2017 - 100M

100.1 miles

Leg	Dir	Type	Notes	Total
	←	Left	Turn left onto Western Ave	0.2
0.8	←	Left	Turn left onto Hesperus Ave	1.0
1.7	↑	Straight	Straight onto Norman Ave	2.7
0.4	↑	Straight	Continue onto Raymond St	3.0
0.5	←	Left	Turn left onto MA-127 S	3.5
2.0	→	Right	Turn right onto Forest St	5.5
0.7	←	Left	Turn left onto Mill St	6.2
0.7	←	Left	Turn left onto School St	6.9
1.0	→	Right	Turn right onto MA-127 S	7.9
2.0	↑	Straight	Continue onto West St	9.9
0.7	←	Left	Bear left onto Hale St	10.6
0.7	→	Right	Turn right onto Thissell St	11.3
0.2	↑	Straight	Bear right onto Common Ln	11.5
1.1	→	Right	Turn right onto Standley St	12.6
0.8	→	Right	Turn right onto Essex St/ Rt. 22	13.4
0.2	←	Left	Bear left to stay on Rt 22 N	13.6
1.2	←	Left	Turn left onto Grapevine Rd	14.8
0.7	←	Left	Slight left onto Larch Row	15.5
0.1	→	Right	Turn right onto Walnut Rd	15.6
1.2	→	Right	Turn right onto MA-1A N	16.8
0.2	←	Left	Turn left onto Asbury St	17.0
0.6	↑	Food	1st Rest Stop	17.6
0.4	→	Right	Turn right onto Highland St	18.0

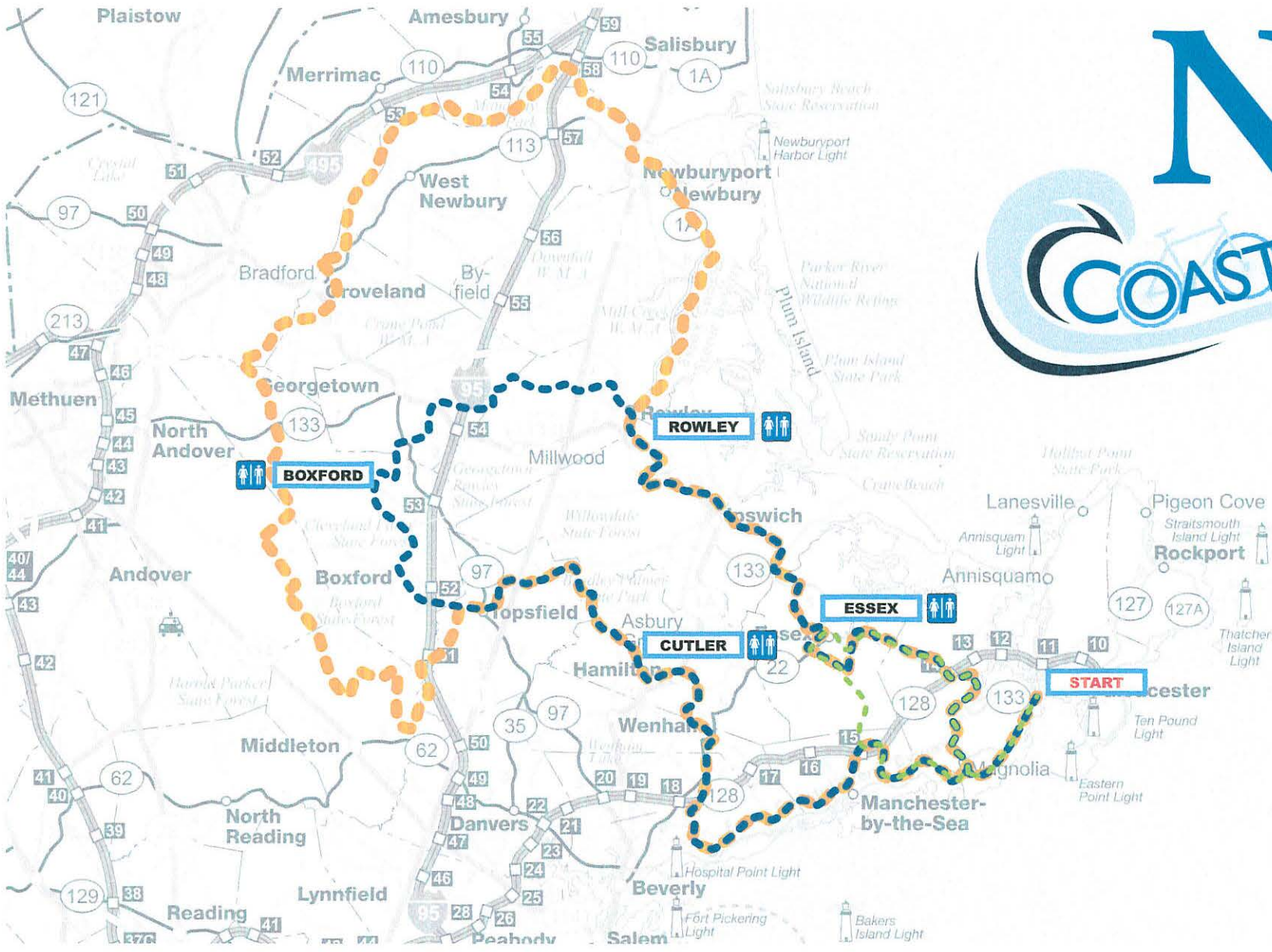
Leg	Dir	Type	Notes	Total
0.1	←	Left	Quick left onto Asbury St	18.1
2.9	←	Left	Turn left onto Ipswich Rd	21.0
1.3	↑	Straight	Cross Rt 1 (Be Careful!)	22.2
0.8	←	Left	Turn left onto Main St	23.1
0.3	→	Right	Turn right onto Washington St	23.4
0.8	←	Left	Turn left to stay on Washington St/ Endicott/ East	24.2
2.2	→	Right	Turn right onto Peabody St	26.5
1.2	→	Right	Turn right onto Liberty St	27.6
0.5	←	Left	Turn left onto School St	28.1
0.8	→	Right	Turn right onto Essex St	28.9
2.0	↑	Straight	Cross Sharpners Pond Rd - Continue on Salem St	30.9
1.2	→	Right	Turn right onto Ingalls St	32.1
0.5	←	Left	Turn left onto Forest St	32.6
1.3	←	Left	Turn left onto Boxford St	33.9
0.2	→	Right	Sharp right onto Foster St	34.2
1.3	↑	Straight	Bear left onto Winter St	35.4
1.4	→	Right	Turn right onto Dale St	36.8
0.1	←	Left	Turn left onto Glendale Rd	36.9
0.7	←	Left	Slight left onto Main St	37.6
0.3	↑	Straight	Cross Washington St	37.9
0.2	↑	Water	2nd Rest Stop (Fire Station)	38.2
1.9	→	Right	Turn right onto Lily Pond Rd	40.1
0.8	↑	Straight	Bear left onto Boxford Rd	40.9
0.4	→	Right	Bear right onto S Cross Rd	41.3
0.7	→	Right	Turn right onto Salem St	42.0

Leg	Dir	Type	Notes	Total
0.5	←	Left	Turn left onto Center St	42.6
3.0	←	Left	Continue onto Center St (Cross 7 Star Rd)	45.6
2.1	←	Left	Turn left onto Ash St	47.7
0.7	→	Right	Turn right onto Meeting House Hill Rd	48.3
0.5	←	Left	Turn left onto Bachelor St	48.9
0.6	→	Right	Turn right onto MA-113 E	49.4
1.0	←	Left	Turn left onto Coffin St	50.4
0.9	↑	Straight	Continue onto River Rd	51.3
2.2	←	Left	Turn left onto Church St	53.5
0.1	→	Right	Bear right to stay on Church St	53.6
1.0	→	Right	Turn right onto MA-113 W	54.6
3.4	→	Right	Turn right onto Orchard Ave	58.0
0.0	←	Left	Turn left onto Old Ferry Rd	58.0
0.5	→	Right	Turn right onto E Broadway	58.5
3.6	↑	Water	3rd Rest Stop	62.1
0.2	↑	Straight	Continue onto E Main St	62.3
0.1	←	Left	Turn left onto River Rd	62.4
1.8	↑	Straight	Continue onto Middle Rd	64.3
0.4	→	Right	Turn right onto Skunk Rd	64.7
0.4	↑	Straight	Continue onto Pleasant Valley Rd	65.1
2.7	↑	Straight	Continue onto Merrimac St	67.7
0.4	→	Right	Turn right onto Main St	68.2
0.8	↑	Straight	Continue onto Evans Pl	68.9
0.2	↑	Straight	Continue straight onto Main St	69.2
0.4	↑	Straight	Continue onto Spofford St (X Chain Bridge)	69.5

Leg	Dir	Type	Notes	Total
0.2	↑	Straight	At the traffic circle, take the 3rd exit onto Merrimac St	69.7
1.8	→	Right	Turn right onto Kent St	71.5
0.3	←	Left	Turn left onto High St/ Rt 1A-S	71.9
8.6	↑	Water	4th Rest Stop	80.5
1.6	→	Right	Turn right onto Mile Ln	82.0
0.8	←	Left	Turn left onto Linebrook Rd	82.8
1.8	→	Right	Bear right onto Lord Square/ Rt 1A-S	84.6
0.4	↑	Straight	Continue onto S Main St	85.0
0.3	→	Right	Bear right to stay on Rt 1A-S	85.3
0.1	←	Left	Turn left onto Argilla Rd	85.4
1.8	→	Right	Turn right onto Northgate Rd	87.2
0.7	←	Left	Turn left onto MA-133 E	87.9
0.7	→	Right	Turn right onto Choate St	88.6
0.3	←	Left	Turn left onto Belcher St	88.9
1.2	←	Left	Turn left onto Story St	90.2
0.3	↑	Straight	Continue onto Winthrop St	90.5
0.3	→	Right	Turn right onto Martin St	90.8
0.0	←	Left	Turn left onto Shepard Dr	90.8
0.0	↑	Water	5th Rest Stop	90.8
0.0	←	Left	Turn left onto Martin St	90.8
0.7	←	Left	Turn left onto Apple St	91.5
1.3	←	Left	Turn left onto Southern Ave	92.9
0.8	→	Right	Turn right onto School St	93.6
0.2	←	Left	Turn left onto Grove St	93.8
0.1	→	Right	Turn right onto Eastern Ave	93.9

Leg	Dir	Type	Notes	Total
5.8	→	Right	Slight right onto Kent Cir	99.7
0.1	↑	Straight	Continue onto Western Ave	99.8
0.0	←	Left	Turn left onto Hough Ave	99.9

Ride With GPS · <https://ridewithgps.com>



NF

COAST TO THE CURE

- ### ROUTES
- Century - - - Orange
 - 66 Miles - - - Blue
 - 24 Miles - - - Green

- Cutler School**, 237 Asbury Street, Hamilton, MA, 7AM - 11AM, accessible on the medium and long route.
- West Boxford Fire Station**, 585 Main Street, Boxford, MA 9AM - 1PM, accessible on the long route.
- Rowley Town Common**, in between streets Summer and Main, 10AM - 2:30PM, accessible on the medium and long routes.
- Memorial Park**, 24 Martin Street, Essex, 8:30AM - 3PM, accessible on all three routes.



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/22/2017

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 T F Ward Insurance Agency, Inc 403 Franklin Street Moirose, MA 02176 Thomas Ward Insurance		Phone: 781-665-2990 Fax: 781-665-8703	CONTACT NAME PHONE (A/C, No, Ext) E-MAIL ADDRESS	FAX (A/C, No)
INSURED NEUROFIBROMATOSIS, INC. Karen Peluso 9 Bedford St Burlington, MA 01803		INSURER(S) AFFORDING COVERAGE		NAIC # 40282
		INSURER A The Hartford		
		INSURER B Foremost Insurance Company		
		INSURER C Travelers		
		INSURER D		
		INSURER E		
		INSURER F		

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

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

INSR LTR	TYPL OF INSURANCE	ADDL SUBR INSR, WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
GENERAL LIABILITY						
B	COMMERCIAL GENERAL LIABILITY CLAIM MADE SELLER		PPS40720634	06/27/2017	06/27/2018	FALC OCCURRENCE 1 2,000,000 DAMAGE TO RENTED 2 2,000,000 MEDICAL EXP. 3 10,000 PERSONAL & ADV INJURY 4 2,000,000 GENERAL AGGREGATE 5 4,000,000 PRODUCTS & COMPLETED 6 4,000,000
GENERAL AGGREGATE LIMIT APPLICABLE Policy PRO						
AUTOMOBILE LIABILITY						
ANY AUTO ALLOWED ALL OWNED AUTOS NON-OWNED AUTOS HIRE & BAILEY						
SOLE OWNED AUTOS NON-OWNED AUTOS						
B	UMBRELLA LIAB EXCESS LIAB	CLAIMS MADE	PPS40720634	06/27/2017	06/27/2018	FALC OCCURRENCE 1 1,000,000 AGGREGATE 2
DEPT X DEFENSE 0						
A	WORKERS COMPENSATION AND EMPLOYERS LIABILITY	Y/N	08WECKH3323	06/27/2017	06/27/2018	FALC OCCURRENCE 1 1,000,000 DEFENSE - EMPLOYEE 2 1,000,000 DEFENSE - POLICY LIMIT 3 1,000,000
C	Directors/officers		106101201	05/13/2015	05/13/2018	1,000,000

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

City of Newburyport is listed as additional insured.
Coast to the Cure Bike Ride, 9/9/17

CERTIFICATE HOLDER **CANCELLATION**

CERTIFICATE HOLDER NEWBURY City of Newburyport 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
--	---

Cassandra G. Green

From: Diana Flahive <dflahive@nfnortheast.org>
Sent: Wednesday, June 06, 2018 9:55 AM
To: Cassandra G. Green; 'Diana Flahive'
Cc: Richard Jones
Subject: RE: Coast to the Cure - 9/8/18
Attachments: Newburyport.jpg

You will find it attached and notice it expires at the end of this month and I will be getting all new ones to issue you then.

From: Cassandra G. Green [mailto:CGreen@CityofNewburyport.com]
Sent: Wednesday, June 06, 2018 9:53 AM
To: Diana Flahive (dflahive@nfincne.org)
Cc: Richard Jones
Subject: Coast to the Cure - 9/8/18

Hello Diana,

Could you please forward a copy of your current certificate of liability insurance naming the City of Newburyport as an additional insured? We need this to complete your application.

Kind regards,

Cassandra M. Green
Administrative Assistant II
City Clerk's Office

City of Newburyport
60 Pleasant Street
Newburyport, MA 01950
Ph | (978) 465-4407, x.1204
Fax | (978) 462-7936
www.cityofnewburyport.com
cgreen@cityofnewburyport.com

**APPOINTMENTS
FIRST READING**



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

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA

2018 JUN -4 AM 11:48

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: June 4, 2018
Subject: NRA Appointment

Donna D. Holaday

According to MGL Chap. 121b § 5, and in the opinion of Kathleen O'Donnell, Esq., attorney for the Newburyport Redevelopment Authority (NRA), the attached NRA Appointment term limit has been corrected.



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2019 JUN -4 AM 11:48

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: June 4, 2018
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Newburyport Redevelopment Authority. This term will expire on November 1, 2022.

David St. Cyr
25 Tyng Street
Newburyport, MA 01950



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2018 JUN -4 AM 11:48

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: June 4, 2018
Subject: NRA Appointment

According to MGL Chap. 121b § 5, and in the opinion of Kathleen O'Donnell, Esq., attorney for the Newburyport Redevelopment Authority (NRA), the attached NRA Appointment term limit has been corrected.



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2018 JUN -4 AM 11:48

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: June 4, 2018
Re: Appointment

Donna D. Holaday

I hereby appoint, subject to your approval, the following named individual as a member of the Newburyport Redevelopment Authority. This term shall expire on April 10, 2022.

Robert Uhlig
10 Ocean Street
Newburyport, MA 01950

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

**APPOINTMENTS
SECOND READING**

SECOND READING APPOINTMENTS

- **APPT040_05_29_18** Christopher J. LeClaire 37 Marshview Cir, Seabrk Fire Chief 6/1/2023
- **APPT041_05_29_18** Thomas F. OBrien 11 Moseley Ave Housing Authority 8/1/2023
- **APPT042_05_29_18** Ahmer Ibrahim 85 Prospect St Human Rights Comm 6/1/2021

Motion to approve the Consent Agenda by Councillor Zeid, seconded by Councillor Tontar. So voted (1 present, OBrien).

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 11, 2018

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude a gift from the Music For Music Foundation in the amount of \$4,000.00 and a gift from the Newburyport Five Cents Savings Bank in the amount of \$5,000.00 for the purpose of purchasing new uniforms for the Newburyport High School marching band in accordance with M.G.L. Chapter 44, Section 53A.

Councillor Charles F. Tontar

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Amended as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

Date: June 11, 2018

THAT pursuant to the CITY OF NEWBURYPORT Code of Ordinances Section 13-181 (a) and Section 13-166 the CITY COUNCIL of the CITY OF NEWBURYPORT hereby amends and approves as follows:

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-181(a)	Parking Lots

Amend existing Section (a) as follows, with deletions ~~double-stricken through~~, and additions double-underlined:

(7) Hales Court Lot.

Councillor Jared J. Eigerman

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Amended as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

Date: June 11, 2018

THAT pursuant to the CITY OF NEWBURYPORT Code of Ordinances Section 13-180.1 and Section 13-166 the CITY COUNCIL of the CITY OF NEWBURYPORT hereby amends and approves as follows:

Chapter 13	Traffic and Motor Vehicles
Article 4	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Section 13-180.1	Paid parking permits

Amend existing Sections (a)(c) and (e) as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

- (a) Definitions. As used in this section:
 - (1) Hales Court Lot
 - (2) Hales Court Lot
 - (3) Resident: A person who is sixteen (16) years of age or older, resides in the City of Newburyport, and is a Newburyport registered voter or eligible to register to vote (not registered in another jurisdiction).
 - (4) Senior Resident: A person who is sixty-five (65) years of age or older, resides in the City of Newburyport, and is a Newburyport registered voter or eligible to register to vote (not registered in another jurisdiction).
- (c) Issuance of resident and employee paid parking permits.
 - (1) ~~Two-year~~ One-year
- (e) Use of parking permits.
 - (3) Hales Court lot

Councillor Jared J. Eigerman

ORDINANCES

CITY OF NEWBURYPORT



IN CITY COUNCIL

April 30, 2018

ORDERED:

AN ORDINANCE TO AMEND CHAPTER II – ADMINISTRATION, ARTICLE VI – FINANCE

Amendments by Budget & Finance Committee: Deletions ~~stricken~~, additions double-underlined

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

THAT the Code of Ordinances, City of Newburyport, Massachusetts is hereby amended by adding a new section to establish and authorize revolving funds for use by certain city departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, § 53E½, or take any other action relative thereto:

SEC. 2-394 – DEPARTMENTAL REVOLVING FUNDS

1. Purpose. This ordinance establishes and authorizes revolving funds for use by city departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.
2. Expenditure Limitations. A department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this ordinance without appropriation subject to the following limitations:
 - A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund.
 - B. No liability shall be incurred in excess of the available balance of the fund.
 - C. The total amount spent during a fiscal year shall not exceed the amount authorized by City Council on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the City Council and Mayor.
 - D. Any capital expenditure from the fund shall be made upon the recommendation of the Mayor and approval of the City Council. A capital expenditure is defined as a fixed asset costing \$15,000 or more with an expected useful life of five years or more.
3. Interest. Interest earned on monies credited to a revolving fund established by this ordinance shall be credited to the general fund.

4. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this ordinance, the laws, charter provisions, ordinances, rules, regulations, policies or procedures that govern the receipt and custody of city monies and the expenditure and payment of city funds shall apply to the use of a revolving fund established and authorized by this ordinance. The City Auditor shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the City Auditor provides the department, board, committee, agency or officer on appropriations made for its use.
5. Authorized Revolving Funds. The Table establishes:
 - A. Each revolving fund authorized for use by a city department, board, committee, agency or officer,
 - B. The department or agency head, board, committee or officer authorized to spend from each fund,
 - C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the City Auditor,
 - D. The expenses of the program or activity for which each fund may be used, and
 - E. The fiscal years each fund shall operate under this ordinance.

<u>A</u> Revolving Fund	<u>B</u> Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	<u>C</u> Fees, Charges or Other Receipts Credited to Fund	<u>D</u> Program or Activity Expenses Payable from Fund	<u>E</u> Fiscal Years
Engineering Services	Director of Planning & Development	Charges to developers who have applications before the City in an amount equal to the cost of acquiring the professional service	Expenses associated with the engagement, by the City, of engineers, architects, and other professionals qualified to evaluate various aspects of development projects and to advise the City accordingly	Fiscal Year 2019 and subsequent years
Council on Aging	Director of Council on Aging	Program fees	Senior citizen programs	Fiscal Year 2019 and subsequent years
Recreational Services	Director of Youth Services	Program fees	Funds recreational services in the City including program supplies, materials and equipment, class instructor fees, fees for reservations and tickets related to trips and functions, and other costs related to the provisions of recreational services	Fiscal Year 2019 and subsequent years
Historical Commission	Director of Planning & Development	Application fees	Administration of the Historical Commission operations, including office supplies and technical assistance	Fiscal Year 2019 and subsequent years
Electrical Inspector	Building Commissioner	Electrical permit fees	Electrical Inspector's salary and related expenses	Fiscal Year 2019 and subsequent years
Plumbing Inspector	Building Commissioner	Plumbing permit fees	Plumbing Inspector's salary and related expenses	Fiscal Year 2019 and subsequent years

<u>A</u> Revolving Fund	<u>B</u> Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	<u>C</u> Fees, Charges or Other Receipts Credited to Fund	<u>D</u> Program or Activity Expenses Payable from Fund	<u>E</u> Fiscal Years
Gas Inspector	Building Commissioner	Gas permit fees	Gas Inspector's salary and related expenses	Fiscal Year 2019 and subsequent years
Disabilities Commission	ADA Coordinator	Handicapped parking fines	Assist the Commission on Disabilities in their efforts to advise, assist, research, coordinate, review and make policy recommendations, provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability; and to coordinate activities of other local groups organized for similar purposes	Fiscal Year 2019 and subsequent years
Emma Andrews Library	Director of Public Services	Income received from the rental of the apartment located on the second floor of the South End Branch Library, commonly known as the Emma Andrews Library	Expenses associated with building maintenance, repairs, renovations, upkeep and security	Fiscal Year 2019 and subsequent years
Transient Vendors	Director of Public Health	License fees	Maintain City streets, ways, parks, walkways and other public areas throughout the City, as well as, City expenses associated with carrying out holiday celebrations, special activities and other public events	Fiscal Year 2019 and subsequent years
Planning & Zoning	Director of Planning & Development	Planning and zoning service and application fees	Planning and zoning related purposes including consultant's fees, legal expenses and other costs associated with project reviews and planning activities	Fiscal Year 2019 and subsequent years
Animal Control	Director of Public Health	Fees and charges associated with animal control and animal shelter activities	Offset City expenses associated with carrying out animal control and animal shelter operations	Fiscal Year 2019 and subsequent years

<u>A</u> Revolving Fund	<u>B</u> Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	<u>C</u> Fees, Charges or Other Receipts Credited to Fund	<u>D</u> Program or Activity Expenses Payable from Fund	<u>E</u> Fiscal Years
Tree Commission	Newburyport Tree Warden	Fines, voluntary payments, fees, charges, contributions, donations, grants, insurance settlements, and other payments received from private individuals, businesses, government entities, and persons or business making payment to the City for damage caused to trees located on City property	Plant, maintain, protect, and preserve public trees throughout the City in order to: contribute to the distinct character of the City; improve air quality; create habitats for wildlife, including various rare and protected species; reduce noise; provide privacy; protect soil from erosion; provide glare and heat protection; provide an aesthetic appeal that enhances property values; provides natural privacy to neighbors; and promotes civic pride and enjoyment	Fiscal Year 2019 and subsequent years
Medicare/Medicaid	Director of Public Health	Reimbursements charged to the state or federal Medicare/Medicaid programs	Maintain emergency planning programs and allow response to emergencies, as well as, offset City expenses associated with carrying out Health Department activities	Fiscal Year 2019 and subsequent years
Veterans Benefits	Director of Veteran's Services	Sale of grave markers, donations, gifts and grants received from the general public, government entities, private corporations, and charitable foundations	Expenses associated with goods and services benefiting veterans residing in the City and their families	Fiscal Year 2019 and subsequent years
City Hall Maintenance	Director of Public Services	Fees and charges paid to the City for the use and rental of City Hall facilities by outside groups, organizations and individuals	Expenses associated with City Hall maintenance, repairs, renovations, upkeep and security	Fiscal Year 2019 and subsequent years
Senior Community Center Maintenance	Director of Public Services	Fees and charges paid to the City for the use and rental of the Senior Community Center	Expenses associated with maintenance, repairs, renovations, upkeep and security at the Senior Community Center	Fiscal Year 2019 and subsequent years

<u>A</u> Revolving Fund	<u>B</u> Department, Board, Committee, Agency or Officer Authorized to Spend from Fund	<u>C</u> Fees, Charges or Other Receipts Credited to Fund	<u>D</u> Program or Activity Expenses Payable from Fund	<u>E</u> Fiscal Years
Parks Maintenance	Parks Director	Fees and charges paid to the City for the use and rental of parks by outside groups, organizations and individuals	Expenses associated with parks maintenance, repairs, renovations, upkeep and security	Fiscal Year 2019 and subsequent years
<u>Solid Waste</u>	<u>Recycling/Energy Manager</u>	<u>Fees collected for use of the Yard Waste Facility, charges for disposal of household hazardous waste, bulk item/mattress disposal fees and recycling fees</u>	<u>Expenses associated with operating the Yard Waste Facility and Recycling Center on Colby Farm Lane, chipper service, disposal of hazardous waste, as well as, disposal of bulk items/mattresses</u>	<u>Fiscal Year 2019 and subsequent years</u>
<u>Assessor's Office</u>	<u>Assessor</u>	<u>Fees charged by the Assessor's Office for records requests and abutters lists</u>	<u>Office supplies and equipment</u>	<u>Fiscal Year 2019 and subsequent years</u>

Submitted:

Councillor Charles F. Tontar

Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to amend, to add Part D on Page 1, delete Engineering Services on Page 3, add Solid Waste and Assessor's Office on Page 6, by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to amend, to state that any fund with greater than \$200K (\$350K for Recreational Services) at the end of the fiscal year shall transfer the excess over that amount to the General Fund, by Councillor Zeid, seconded by Councillor OBrien. Roll call vote, 6 yes, 5 no (Earls, Khan, Tontar, Vogel, Connell). Motion passed. Motion to amend, to increase Recreational Services threshold to \$400K, by Councillor Earls, seconded by Councillor Vogel. Roll call vote, 3 yes (Earls, Tontar, Vogel), 8 no. Motion failed. Motion to approve as amended by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:
Revised Zoning Ordinance to Permit Marijuana Cultivation in the Newburyport Business Park

Note: The following Zoning Amendment is a revised version of ODNC015_04_30_18 (Marijuana Zoning – Cultivation) but includes additional boilerplate language (*required for clarity and comprehensiveness*) from ODNC016_04_30_18 (Marijuana Zoning – Retail Sales). Councilor Eigerman’s revised draft of ODNC021_05_14_18 (Temporary Moratorium on Recreational Marijuana Establishments), which inserts a new Section numbered V-H is referenced as a new footnote to the Table of Use Regulations (*for all marijuana establishments, medical marijuana treatment centers and registered marijuana dispensaries conducting retail sales*) thereby providing quick reference to the temporary moratorium on this types of establishments.

April 30, 2018

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

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

THAT the Zoning Ordinance, Appendix A of the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended pursuant to Section XII-B “Adoption and Amendment” as follows:

Section III-C: Zoning Map.

The Zoning Map of said Zoning Ordinance entitled “Zoning Map of the City of Newburyport,” referenced in Section III-C (entitled Zoning Map) is hereby amended pursuant to Section III-D “Changes to Zoning Map” by eliminating the existing Medical Marijuana Overlay District (MMOD).

Section V-D: Table of Use Regulations

Delete the following use from the Table of Use Regulations, along with the corresponding row:

- Medical Marijuana Treatment Center (Num 217)

Add the following new uses to the Table of Use Regulations, as additional rows inserted in alphabetical order under a new grouping numbered 8 and entitled “Marijuana-Related Uses”:

Use	Num
• Marijuana Establishment (<i>with retail sales</i>)	801
• Marijuana Establishment (<i>without retail sales</i>)	802
• Medical Marijuana Treatment Center or Registered Marijuana Dispensary (<i>with retail sales</i>)	803
• Medical Marijuana Treatment Center or Registered Marijuana Dispensary (<i>without retail sales</i>)	804

The above referenced uses numbered 802 and 804 shall be permitted only by Special Permit (SP) in the following zoning districts, and so indicated in said table:

- I-1 (Industrial District)
- I-1B (Industrial District)

Wherever the above referenced uses numbered 802 and 804 are listed as permitted by Special Permit (SP) said notation shall be accompanied by reference to footnote (h) of the Table of Use Regulations, the text of which shall be deleted in its entirety and replaced with the following:

- (h) *The Planning Board shall act as the designated Special Permit Granting Authority (SPGA) for this use. See Section XXXI entitled "Licensed Marijuana Establishments" for additional requirements and restrictions.*

For all other zoning districts the above referenced uses 801, 802, 803 and 804 shall be prohibited, or "Not Permitted" (NP), and so indicated in said table.

Wherever the above referenced uses numbered 801 and 803 are listed as prohibited, or "Not Permitted" (NP), said notation shall be accompanied by reference to a new footnote (i) of the Table of Use Regulations, the text of which shall read as follows:

- (i) *See Section V-H entitled "Temporary Moratorium on Recreational Marijuana Establishments."*

Section V-G: Medical marijuana treatment centers.

Delete Section V-G (entitled "Medical marijuana treatment centers") in its entirety.

Section XXXI: Licensed Marijuana Businesses

Insert a new Section XXXI, entitled "Licensed Marijuana Businesses" as follows:

XXXI-A Purposes.

The purpose of this Section is to provide for the establishment of both medical and recreational Marijuana Businesses in the City of Newburyport in as much as:

1. Medical Marijuana Treatment Centers (MMTCs), also known as "Registered Marijuana Dispensaries" (RMDs), are authorized in the Commonwealth of Massachusetts pursuant to Chapter 369 of the Acts of 2012 (entitled "An Act for the Humanitarian Medical Use of Marijuana"), M.G.L. Chapter 94I (entitled "Medical Use of Marijuana") and 105 CMR 725 (entitled "Implementation of an act for the humanitarian medical use of marijuana");
2. "Marijuana Establishments" for the adult, non-medical use of marijuana, are authorized in the Commonwealth of Massachusetts pursuant to Chapter 334 of the Acts of 2016, as amended by Chapter 351 of the Acts of 2016 and Chapter 55 of the Acts of 2017, as further codified in General Laws Chapter 94G (entitled "Regulation of the Use and Distribution of Marijuana Not Medically Prescribed") and regulations promulgated by the Massachusetts Cannabis Control Commission (CCC) in 935 CMR 500 (entitled "Adult Use of Marijuana");

3. The City seeks to protect the public welfare, health and safety of the residents of Newburyport;
4. These zoning regulations provide for the placement of all medical and recreational marijuana-related businesses in suitable locations; and
5. The City seeks to minimize any potential adverse impacts of medical and recreational marijuana-related businesses on adjacent properties, residential neighborhoods, schools, playgrounds and other locations where minors congregate by regulating the siting, design, placement, security and removal of such marijuana businesses.

XXXI-B Definitions.

Where not expressly defined in this section or elsewhere in the Newburyport Zoning Ordinance, terms used in this section (XXXI) shall be interpreted as defined in the statutes and regulations cited in Section XXXI-A § 1 & 2 above.

Commission or CCC means the Massachusetts Cannabis Control Commission established by G.L. c. 10, §76, or its designee.

Department of Public Health or DPH means the Massachusetts Department of Public Health.

License means the required certificate issued by the Commonwealth for a Marijuana Business.

Licensee means a person or entity licensed by the Commonwealth to operate a Marijuana Business.

Marijuana Business means a Medical Marijuana Treatment Center, Marijuana Establishment, or any combination or part thereof.

Marijuana Establishment means a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, as set forth in G.L. c.94G, § 1 and regulations promulgated thereunder.

Medical Marijuana Treatment Center (MMTC), also known as a Registered Marijuana Dispensary (RMD), means an entity registered under 105 CMR 725.100: Registration of Registered Marijuana Dispensaries, or licensed by the Cannabis Control Commission pursuant to G.L. c.94I, that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. Unless otherwise specified, RMD refers to the site(s) of dispensing, cultivation, and preparation of cannabis or marijuana for medical use.

XXXI-C Special Permit Required.

Pursuant to Chapter 40A of the Massachusetts General Laws, as well as under the home-rule powers of the City pursuant to Sections 1 and 6 of Article II of the Articles of Amendment of the Constitution of the Commonwealth of Massachusetts, as amended by Article LXXXIX of said Articles of Amendment,

and in order to mitigate potential secondary adverse impacts, a special permit is required for a Marijuana Business within the City of Newburyport.

XXXI-D License Requirements and Conditions of Use.

1. Marijuana Businesses shall be properly licensed by the Commonwealth of Massachusetts Cannabis Control Commission (CCC) or Department of Public Health (DPH), as applicable, pursuant to regulations promulgated therefore.
2. No Marijuana Business shall be permitted for, or otherwise allow, on-premises social consumption.
3. No Marijuana Business shall be permitted to operate outside of an enclosed building or structure.
4. No Marijuana Business located within the Business and Industry Park zoning districts (I-1 and I-1B) shall be permitted to conduct in-person retail sales to consumers on premises. This restriction shall not be construed to prohibit the transfer or delivery of marijuana-related products to other locations where in-person retail sales of marijuana-related products are permitted.
5. The total cumulative square footage of all Marijuana Cultivators permitted within the Business and Industry Park zoning districts (I-1 and I-1B) shall be limited to 100,000 square feet. The total number of Marijuana Cultivators in the Business and Industry Park zoning districts (I-1 and I-1B) shall not exceed two.

XXXI-E Parking Requirements.

Parking requirements for Marijuana Businesses, as those businesses are more particularly defined in G.L. c.94G and the regulations promulgated thereunder, shall be as follows:

- "Craft Marijuana Cooperative": 1 per employee plus 1 per 300 square feet gross floor area
- "Independent Testing Laboratory": 0.75 per employee in maximum shift plus 1 per company vehicle
- "Marijuana Cultivator"; 0.75 per employee in maximum shift plus 1 per company vehicle
- "Marijuana Establishment"; 0.75 per employee in maximum shift plus 1 per company vehicle, unless otherwise noted
- "Marijuana Product Manufacturer"; 0.75 per employee in maximum shift plus 1 per company vehicle
- "Marijuana Retailer"; 3 per 1,000 square feet of gross floor area (GFA)
- "Marijuana Transporter"; 0.75 per employee in maximum shift plus 1 per company vehicle
- "Medical Marijuana Treatment Center"; 1 per employee plus 1 per 300 square feet gross floor area
- "Microbusiness"; 0.75 per employee in maximum shift plus 1 per company vehicle

- “Research Facility”; 0.75 per employee in maximum shift plus 1 per company vehicle
- Any other Marijuana Business: 0.75 per employee in maximum shift plus 1 per company vehicle

XXXI-F Required Buffer Zones & Restrictions on Location

1. Residential Districts: No Marijuana Business within the Business and Industry Park zoning districts (I-1 and I-1B) shall be located or permitted within two hundred and fifty (250) feet of any residential district. Nor shall any Marijuana Business within said districts (I-1 and I-1B) be located or permitted northwest of Hale Street.
2. Protected Uses: No Marijuana Business shall be located or permitted within five hundred (500) feet of:
 - a. a pre-existing public or private school providing education in kindergarten or any of grades 1 through 12;
 - b. a pre-existing nursery school or daycare facility;
 - c. a pre-existing public library;
 - d. a pre-existing public park or playground;
 - e. a pre-existing municipal youth or recreation center;
 - f. a pre-existing public swimming pool; or
 - g. any similar pre-existing facility in which children commonly congregate in an organized, ongoing, formal basis.
3. Measurement: The distance under this section shall be measured in a straight line from the nearest point of the property or district line in question to the nearest point of the building or structure where the Marijuana Business is or will be located.

XXXI-G Permitting Procedure & Criteria for Approval.

Permit Granting Authority: The Planning Board shall act as the designated Special Permit Granting Authority (SPGA) in administering this section.

Special Permit Required: Marijuana Businesses may be permitted only pursuant to a Special Permit hereunder. The Planning Board shall review and may deny, approve, or approve with conditions all applications hereunder in accordance with the procedures listed in Subsection X-H.8. The SPGA shall approve a Business if the SPGA determines that the proposed use meets all the requirements of this section and, in addition, the special permit criteria of Subsection X-H.7. Application for a special permit shall be submitted to the SPGA pursuant to the submission requirements, and procedures contained in Section X-H.7.

Documentation Required to Support an Application: To support any Special Permit application under this section, the applicant shall provide as part of the application to the SPGA the following documentation:

1. A copy of its application, registration and/or certificate as a Marijuana Business from the CCC or DPH (as applicable);

2. A letter from the owner of the property on which the proposed Marijuana Business is to be located indicating approval of the proposed use and submission of the application to the SPGA.
3. A detailed floor plan of the premises of the proposed Marijuana Business that identifies the square footage available and describes the functional areas of the proposed use;
4. Detailed site plans that include the following information:
 - a. Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, and all other provisions of this Ordinance;
 - b. Convenience and safety of vehicular and pedestrian movement on the site and for the location of driveway openings in relation to street traffic;
 - c. Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
 - d. Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises (and anticipated number of visitors), including designated parking for employees and home delivery vehicle(s), as applicable;
 - e. Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
 - f. Adequacy of water and electrical supply, surface and subsurface drainage and site lighting.
5. A description of any proposed security measures for the Marijuana Business, including but not limited to security cameras and employee security policies;
6. A copy of proposed waste disposal procedures for the Marijuana Business;
7. A detailed description and rendering of the applicant's proposed signage to advertise the location of the Marijuana Business and/or services available at the proposed Marijuana Business.
8. A Traffic Impact Analysis (Traffic Study) for the proposed use and site consistent with the requirements of Section XV-E(b)(4) of this Ordinance; and
9. Documentation regarding the projected use, and adequacy, of public and private utilities and infrastructure required for operation of the proposed Marijuana Business, including, but not limited to:
 - a. Water
 - b. Wastewater
 - c. Electricity

These materials shall be in addition to those submission materials required in section X-H(7) "Special Permits."

Traffic & Impact Studies: To aid the SPGA in its review, the owner shall pay all costs for the SPGA to engage a properly licensed traffic engineer, consulting engineer or other professionals experienced in the review of traffic studies and/or community impact reports, deemed necessary in the opinion of the SPGA to ensure that the proposed Marijuana Business will not unduly burden the City's water and wastewater systems or result in undue traffic congestion or safety concerns in the immediate vicinity of the proposed facility and/or site. The portions of this section (and its regulations, if any)

requiring the payment of consultant fees are promulgated under the concurrent authority of Massachusetts General Laws Chapter 44, Section 53G.

Signage: All signage shall conform to the requirements of the Newburyport Zoning Ordinance. The SPGA may impose additional restrictions on signage as appropriate to mitigate any aesthetic impacts. Use of medical symbols, images of marijuana, related paraphernalia, and text or colloquial references to cannabis and marijuana on any signage is prohibited.

Departmental Review: The SPGA shall refer copies of the application to the Building Department, Fire Department, Police Department, Board of Health, and the Department of Public Works. These boards/departments shall review the application and shall submit their written recommendations to the SPGA. Failure to make recommendations within 45 days of referral of the application shall be deemed lack of opposition.

XXXI-H Decision and Conditions of Approval

Public Hearing and Decision: After notice and public hearing (in accordance with Section X-H(7) and consideration of application materials, consultant reviews, public comments, and the recommendations of other City boards and departments, the SPGA may act upon such a permit.

Required Findings: The SPGA may approve a Marijuana Business application only if it makes written findings based upon evidence in the record that the applicant has satisfied the requirements of this section and section X-H(7)(A).

Special Permit Conditions: The SPGA shall impose conditions upon the issuance of a Marijuana Business Special Permit reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's Marijuana Business, the SPGA shall include the following conditions in any special permit granted under this Section:

- i. Hours of Operation (if any)
- ii. The permit holder shall provide to the Building Inspector, Director of Planning and Development, Director of Public Health, Fire Chief and Police Marshal, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
- iii. The special permit authorizing the establishment of a Marijuana Business shall be valid only for the specific registered person or entity to which the special permit was issued, and only for the site on which the Marijuana Business has been authorized by special permit. If any license for the Marijuana Business has been revoked or if the license is to be transferred to another controlling entity, or is to be relocated to a different site, a new special permit shall be required.
- iv. A Marijuana Business shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home deliveries to qualified clients pursuant to applicable state and local

- regulations. This provision shall not be construed to limit or prohibit the transport of marijuana and marijuana-related products in accordance with CCC regulations.
- v. A Special Permit shall only be valid for use by the Applicant and will become null and void upon the sale or transfer of the license of a Marijuana Business or a change in the location of the business.
 - vi. In the event that the Commonwealth's licensing authority suspends the license or registration of a Marijuana Business, the Special Permit shall be so suspended by the City until the matter is resolved to the satisfaction of said licensing authority.
 - vii. The Special Permit shall be considered null and void if meaningful construction has not begun on the project within 2 years of obtaining said permit, or such additional time extension as may be granted at the discretion of the Planning Board.
 - viii. The permit holder shall notify the Building Inspector, Director of Planning and Development, Director of Public Health, Fire Chief and Police Marshal and the SPGA in writing within 48 hours of the cessation of operation of the Marijuana Business or the expiration or termination of the license holder's certificate or registration with the CCC and/or DPH.
 - ix. The permit holder shall at all times comply with regulations regarding Marijuana Businesses promulgated by the Board of Health.
 - x. The Police Department, Fire Department, Building Inspector, Zoning Enforcement Officer, Director of Planning & Development and Director of Public Health shall have the right to inspect the subject premises to assure compliance with the special permit.
 - xi. Prohibition Against Nuisances: No use or operation shall be allowed at any Marijuana Business which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive noise or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

XXXI-I Severability.

The provisions of this section are severable. If any of its provisions, sections, subsections, paragraphs, sentences, or clauses, or the application thereof to any person, entity, establishment, or circumstances shall be held to be invalid or unconstitutional by any court of competent jurisdiction, then the remainder of this section and the application thereof shall continue to be in full force and effect. The invalidity of any provision of this Section shall not affect the validity of the remainder of this Section or the Newburyport Zoning Ordinance.

Councillor Barry N. Connell

In City Council May 29, 2018:

Motion to remove from Planning & Development and Committee of the Whole by Councillor Eigerman, seconded by Councillor Khan. So voted. Motion to amend Section XXXI-D.5, reducing the total cumulative square footage from 300,000 square feet to 100,000 square feet, striking “which equates to roughly ten percent of total square footage of buildings within the Business and Industry Park”, and adding “The total number of Marijuana Cultivators in the Business and Industry Park zoning districts (I-1 and I-1B) shall not exceed two”, by Councillor Shand, seconded by Councillor OBrien. Roll call vote, 9 yes, 2 no (Earls, Vogel). Motion passed. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 14, 2018

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

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

Zoning Ordinance Amendment:

THAT the Zoning Ordinance be amended pursuant to Section XII-B "Adoption and Amendment" as follows:

Section V: Use Regulations

Insert a new section "V-H" after Section V-G (Medical Marijuana Treatment) as follows:

Section V-H Temporary Moratorium on Recreational Marijuana Establishments**A. Purpose**

On November 8, 2016, the voters of the Commonwealth approved a law regulating the cultivation, processing, distribution, possession and use of marijuana for recreational purposes (new GL. c. 94G, Regulation of the Use and Distribution of Marijuana Not Medically Prescribed). The law, which allows certain personal use and possession of marijuana, took effect on December 15, 2016 (as amended on December 30, 2016 by Chapter 351 of the Acts of 2016 and thereafter, on July 28, 2017 by Chapter 55 of the Acts of 2017). Currently under the Zoning Ordinance, a non-medical Marijuana Establishment (hereinafter, a "Recreational Marijuana Establishment"), as defined in G.L. c. 40, 1, is not specifically addressed in the Zoning Ordinance. The City needs time to study and consider a possible referendum and/or regulation of Recreational Marijuana Establishments and address such issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Ordinance regarding regulation of Recreational Marijuana Establishments. The City Council intends to adopt a temporary moratorium on the use of land and structures in the City for Recreational Marijuana Establishments so as to allow sufficient time to address the effects of such structures and uses in the City and to pursue a referendum and/or to enact ordinances in a consistent manner.

B. Definition

"Recreational Marijuana Establishment" shall mean an "marijuana retailer" as defined in G.L. c.94G, § 1"

C. Temporary Moratorium

Temporary Moratorium. Notwithstanding any other provision of the Zoning Ordinance to the contrary, the City Council hereby enacts a temporary moratorium on the use of land or structures for Recreational Marijuana Establishments. The moratorium will be in effect through the earliest of: (a) December 31, 2018; (b) certification by the City Clerk of the results of a referendum on the matter; and (c) final adoption of amendments to the Zoning Ordinance on the matter. During the moratorium, the City shall undertake a planning process to address Recreational Marijuana Establishments.

Afroz Khan
At-Large City Councillor

Larry G. Giunta
Ward 5 City Councillor

Heather L. Shand
Ward 3 City Councillor

In City Council May 29, 2018:

Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Khan. So voted. Motion to approve as amended in Committee by Councillor Eigerman, seconded by Councillor Khan. Roll call vote, 9 yes, 2 no (Earls, Vogel). Motion passed.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 11, 2018

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

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

THAT the Zoning Ordinance, Appendix A of the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended pursuant to Section XII-B "Adoption and Amendment" as follows:

Section V-D: Table of Use Regulations

Uses numbered 801 ["Marijuana Establishment (with retail sales)"] and 803 ["Medical Marijuana Treatment Center or Registered Marijuana Dispensary (with retail sales)"] shall be permitted only by Special Permit (SP) in the following zoning districts, and so indicated in said table:

- B-1 (Business District)
- B-2 (Downtown Business District)
- B-3 (Neighborhood Business District)

Wherever the above referenced uses numbered 801 and 803 are listed as permitted by Special Permit (SP) said notation shall be accompanied by reference to the following footnote to the Table of Use Regulations:

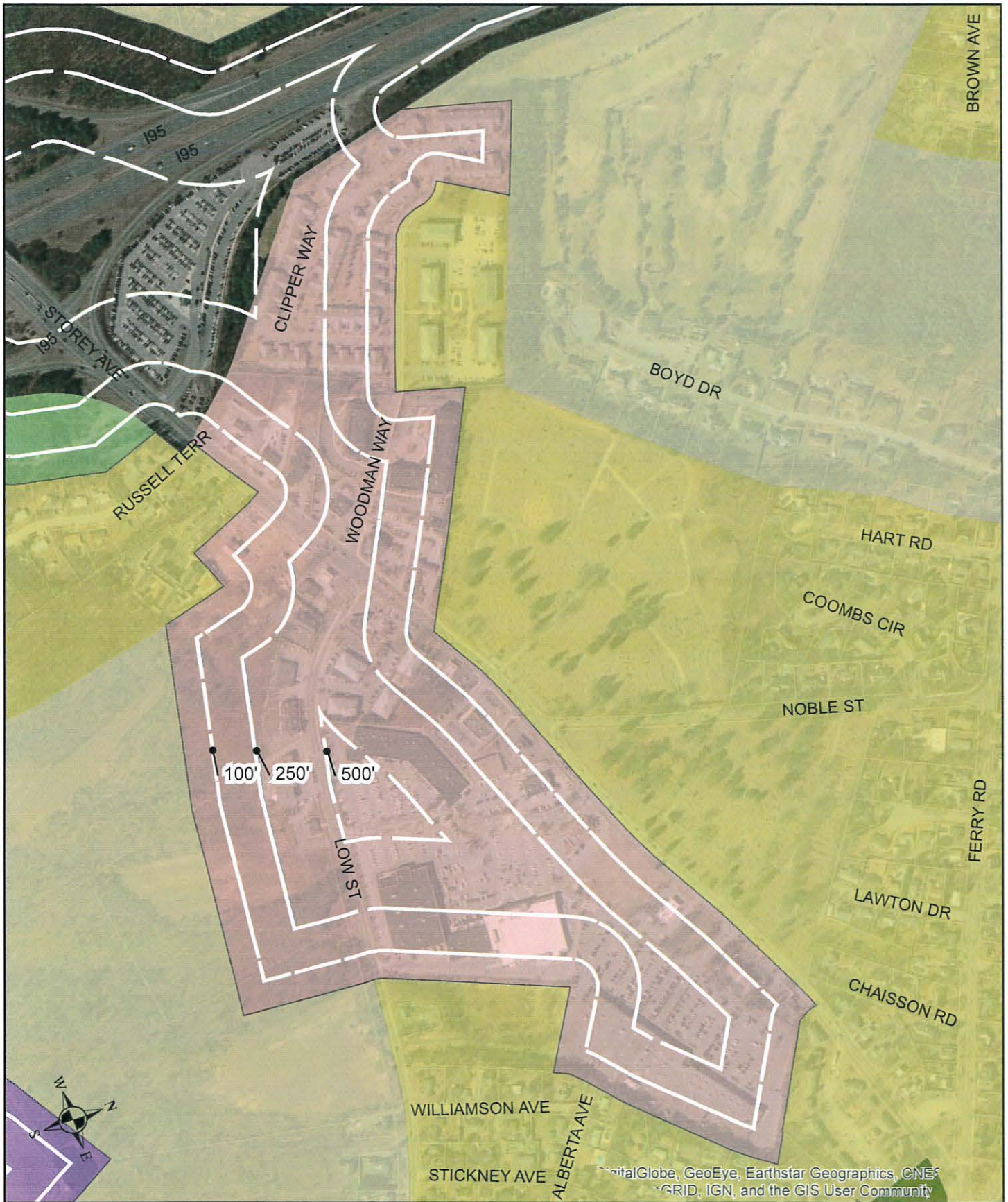
(h) The Planning Board shall act as the designated Special Permit Granting Authority (SPGA) for this use. See Section XXX entitled "Licensed Marijuana Businesses" for additional requirements and restrictions.

For all other zoning districts the above referenced uses 801 and 803 shall be prohibited, or "Not Permitted" (NP), and so indicated in said table.

Section V-H: Temporary Moratorium on Recreational Marijuana Establishments

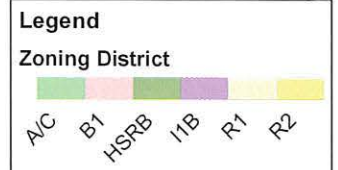
Delete Section V-H (entitled "Temporary Moratorium on Recreational Marijuana Establishments") in its entirety.

Councillor Gregory D. Earls



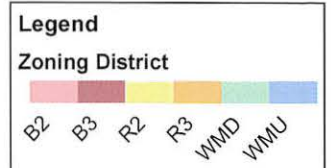
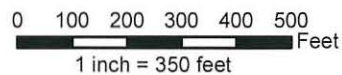
Downtown (B2/B3)

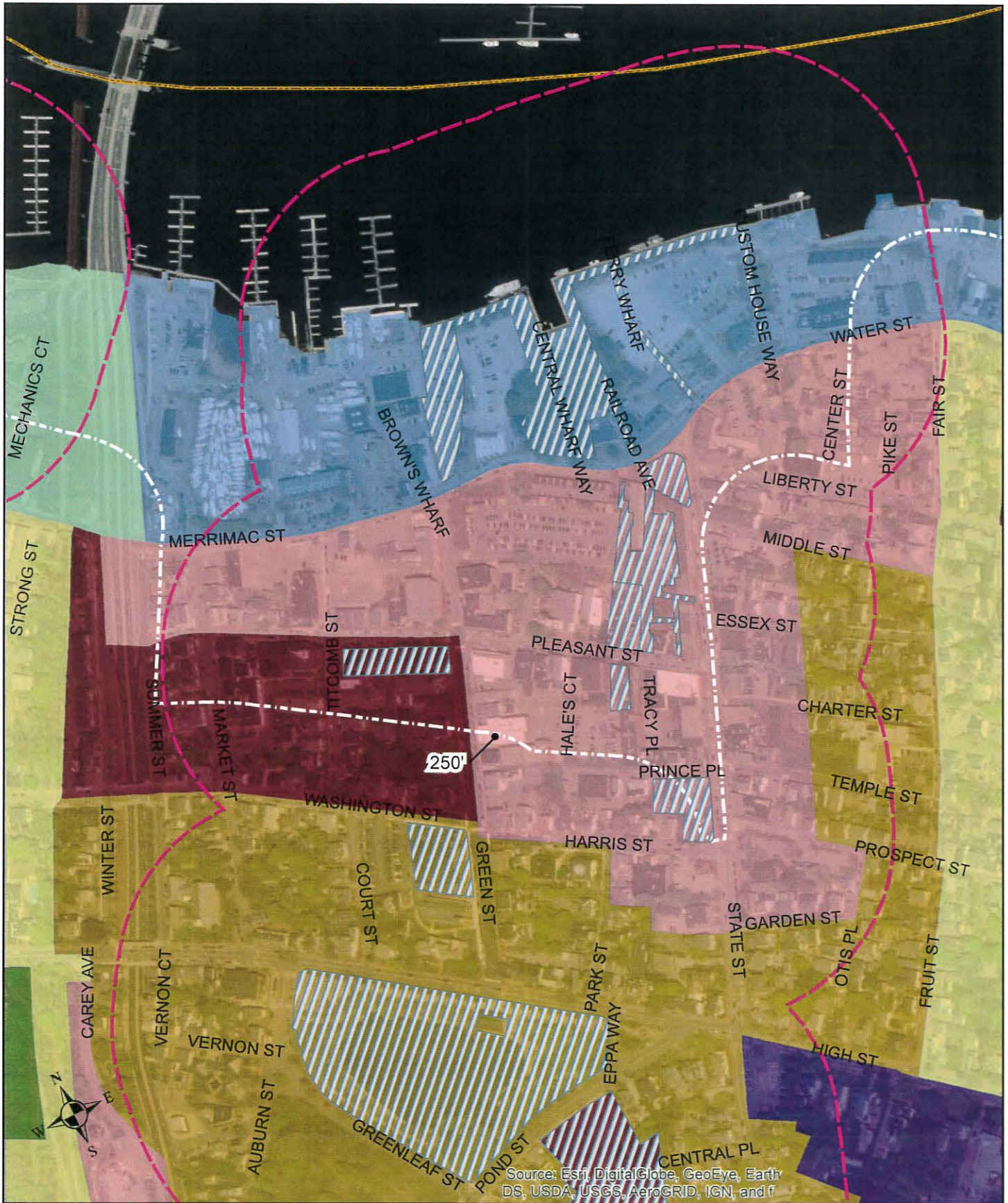
0 100 200 300 400 500
 Feet
 1 inch = 475 feet





Downtown (B2/B3)





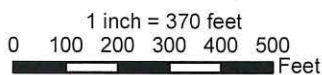
Source: Esri, DigitalGlobe, GeoEye, Earth
 DS, USDA, USGS, AeroGRID, IGN, and f



Downtown (B2/B3)

showing a 250' buffer from residential
 zones and 500' buffer from protected uses

Legend	
	Protected Uses
	500' buffer from protected uses
	250' buffer from residential districts





Route 1 Traffic Circle (B1)

