

CITY COUNCIL MEETING AGENDA - VERSION 2
CITY COUNCIL CHAMBERS
APRIL 10, 2017

7:30PM

(Sound Check)

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

CONSENT AGENDA

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

7. APPROVAL OF MINUTES

March 28, 2017

(Approve)

8. TRANSFERS

- **TRAN012_04_10_17** Sewer Ret. Earn. 66,625.19, CIP WWTF Fence 12,358.05, CIP WWTF Improvements 11,016.76 to Pump&Valve Replacements 90K (B&F)
- **TRAN013_04_10_17** Rsv Appr I/I Fees 250K to Sewer & Manhole 250K (B&F)
- **TRAN014_04_10_17** Water Ret. Earn. 115K to WTP Sump Pump Repair 50K, Artichoke Pump Station Roof Repairs 25K, Sludge Removal in Lagoons 40K (B&F)
- **TRAN015_04_10_17** Free Cash 45K to Medicare Part B Reimbursement 45K (B&F)
- **TRAN016_04_10_17** Free Cash 46,830 to Purchase of Pickup w/ Plow 46,830 (B&F)

9. COMMUNICATION

- **COMM0040_04_10_17** Gathering to Honor Israel's Independence Day - 4/30/17 (L&P)
- **COMM0041_04_10_17** Annual Audit of FY16 Financial Statements (B&F)
- **COMM0042_04_10_17** Outdoor Seating Application - Harbor Creamery (L&P)
- **COMM0043_04_10_17** Outdoor Seating Application - Port Tavern (L&P)
- **COMM0044_04_10_17** PMC Greater Newburyport Kids' Ride - 6/11/17 (PS)
- **COMM0045_04_10_17** Flag Day 5K - 6/10/17 (PS)
- **COMM0046_04_10_17** 60th Yankee Homecoming - 7/29-8/6 (PS)
- **COMM0047_04_10_17** KP Law Correspondence re: Health Insurance Reform (R&F)

10. APPOINTMENTS

- **APPT031_04_10_17** Sean Bradley 31 Wildwood Dr Waterfront Trust 12/31/2017

END OF CONSENT AGENDA
REGULAR AGENDA

11. MAYOR'S UPDATE

12. COMMUNICATIONS

- COMM039_04_10_17 Table for Cocoa Bean Labor Awareness - 4/18/17

13. APPOINTMENTS

**Second Reading
Appointments**

- APPT029_03_28_17 James McCarthy 17 Russia St Community Pres Act Comm 5/1/2020

Re-Appointments

- APPT030_03_28_17 Robert Uhlig 10 Ocean St NRA 4/1/2018

14. ORDERS

- ORDR015_04_10_17 Complete Streets Policy
- ORDR016_04_10_17 Extension of Intermunicipal Agreement for Shared Animal Control

15. ORDINANCES

- ODNC003_04_10_17 Zoning Amendment - Hardship for Variances
- ODNC004_04_10_17 Zoning Amendment - Zoning Administrator

15. COMMITTEE ITEMS

Budget & Finance

In Committee:

- ORDR002_01_25_16 Accept Gift of \$25,000 Repairing Brown's Wharf Culvert (COW)
- ORDR009_02_08_16 Increase Fees for Fire Dept.
- ORDR010_02_08_16 Increase Fines Parking Violations
- ORDR039_05_31_16 Increase Hourly Parking Rate to \$1.50
- ORDR079_09_26_16 Movie Location Order (L&P)
- ORDR080_09_26_16 LATE FILE Order of Taking Parking Facility (P&D)
- TRAN005_02_27_17 Free Cash 25K to Dog Park Project 25K
- ORDR010_02_27_17 Dog Park Grant Acceptance
- TRAN009_03_28_17 Mult Accnts \$1,578,044 to Mult Accnts \$1,578,044 (COW)
- TRAN010_03_28_17 Free Cash \$18,162 Clean River Project \$18,162
- TRAN011_03_28_17 DPS Gas \$30,000 to Fuel/Oil \$30,000
- COMM031_03_28_17 FY17-FY21 Capital Improvement Program Submission (COW)
- COMM032_03_28_17 Line Items Reduced in FY17 Adopted Budget
- ORDR014_03_28_17 Excess Bond Proceeds Transfer

General Government

In Committee:

- ORDR005_01_30_17 Human Rights Commission Resolution (COW)
- APPT025_03_13_17 Leah McGavern | 21 Marlboro St | Planning Board | 5/31/2022 (P&D)
- APPT027_03_13_17 Bonnie Sontag | 10 Upland Rd | Planning Board | 5/31/2022 (P&D)

Joint Education

In Committee:

License & Permits

In Committee:

- **COMM010_01_25_16** Licensing Commission Acoustic & Amplified Entertainment
- **ODNC011_05_31_16** Amend Transient Vendors for Cashman (**COW**)
- **ORDR079_09_26_16** Movie Location Order (**B&F**)
- **ODNC001_01_30_17** BYOB Ordinance
- **COMM028_03_13_17** **LATE FILE** Ltr from Smitten LLC re: A-Frames
- **COMM029_03_13_17** **LATE FILE** Outdoor Seating Application - West Row Café

Neighborhoods and City Services

In Committee:

- **ODNC001_01_11_16** Amend Ch11 Parks and Recreation (**COW**)
- **ORDR048_06_13_16** Sidewalk Order
- **COMM099_10_31_16** Proposed Improvement in Our Scenic Byway
- **ORDR007_02_13_17** Change the Name of Park Circle to Kelleher Way (**PU**)
- **ORDR008_02_27_17** Change the Name of Crow Lane to Colby Farm Lane (**PU**)

Planning & Development

In Committee:

- **COMM076_07_11_16** **LATE FILE** Boyd Drive Petition
- **ORDR080_09_26_16** **LATE FILE** Order of Taking Parking Facility (**B&F**)
- **COMM091_10_11_16** Ltr to Council from J. Sweet on ZBA
- **COMM096_10_31_16** Draft of Newburyport's Master Plan
- **COMM114_12_12_16** Memo on Master Plan - Work Plan and Appendix XX
- **COMM023_02_27_17** Zoning Changes to Waterfront West (**COW**)
- **COMM024_03_13_17** Newburyport's Master Plan - Final Document (**COW**)
- **APPT025_03_13_17** Leah McGavern | 21 Marlboro St | Planning Board | 5/31/2022 (**GG**)
- **APPT027_03_13_17** Bonnie Sontag | 10 Upland Rd | Planning Board | 5/31/2022 (**GG**)
- **COMM030_03_28_17** Pres. Trust Ltr to City Council re: 1690 House
- **COMM034_03_28_17** Evergreen Special Permit Issued by Planning Board
- **COMM035_03_28_17** Rules of Professional Conduct Rule 3.9
- **COMM038_03_28_17** Lower Custom House Way

Public Safety

In Committee:

- **ODNC015_08_29_16** 25 MPH Speed Zones
- **ORDR077_09_12_16** Parking Restricted on Daniel Lucy Way
- **ORDR012_02_27_17** Update of Rules for Special Events
- **COMM036_03_28_17** Unicorn Street Block Party - 6/3/2017
- **COMM037_03_28_17** 7th Annual GNOCA 5K Walk - 9/24/17

Public Utilities

In Committee:

- **COMM060_05_31_16** Mobilitie, LLC Highway Access Permit

- **ORDR006_2_13_17** TW Excavating & Dev, Newbury, Licensed Contractor
- **ORDR007_02_13_17** Change the Name of Park Circle to Kelleher Way (**NCS**)
- **ORDR008_02_27_17** Change the Name of Crow Lane to Colby Farm Lane (**NCS**)
- **ODNC002_03_28_17** Amend Sec 2 – 368, 14 – 32, Water and Sewer Board

Rules Committee

In Committee:

- **ORDR013_02_27_17** Amend City Council Rules Relating to Bonding Funds (**COW**)

16. GOOD OF THE ORDER

17. EXECUTIVE SESSION

18. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
MARCH 28, 2017

7:30PM

The City Council President called the meeting to order at 7:30pm. A moment of silence was held for Wilfred F. Chatigny, followed by the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Giunta, Tontar, Vogel, Zeid, Cameron, Connell, Devlin, Earls, Eigerman, OBrien. 10 present, 1 absent (Cronin).

(Sound Check)

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

1. Bob Uhlig	174 Merrimac St	NRA Appointment
2. Reg Bacon	21 Strong St	1690 House
3. Stephanie Niketic	93 High St	1690 House
4. Bronson de Stadler	19 Walnut St	1690 House
5. Roberta Lenes	104 Pleasant St	Garage
6. Michael Mroz	25 Water St	Lower Custom House Wy
7. Eric Ekman	260 Merrimac St	1690 House
8. Rob Germinara	2 Ashland St	Lower Custom House Wy

6. MAYOR'S COMMENT

The mayor gave an update pursuant to her written communication, along with a flier for the upcoming event "Show Your S'Port" on April 28th.

CONSENT AGENDA

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7. APPROVAL OF MINUTES

March 13, 2017

(Approve)

8. TRANSFERS

- **TRAN009_03_28_17** Mult Accts \$1,578,044 to Mult Accts \$1,578,044 (B&F, COW)
- **TRAN010_03_28_17** Free Cash \$18,162 Clean River Project \$18,162 (B&F)
- **TRAN011_03_28_17** DPS Gas \$30,000 to Fuel/Oil \$30,000 (B&F)

9. COMMUNICATIONS

- **COMM030_03_28_17** Pres. Trust Ltr to City Council re: 1690 House (P&D)
- **COMM031_03_28_17** FY17-FY21 Capital Improvement Program Submission (B&F, COW)
- **COMM032_03_28_17** Line Items Reduced in FY17 Adopted Budget (B&F)
- **COMM033_03_28_17** Retirement Board Meeting for Voting on COLA (R&F)
- **COMM034_03_28_17** Evergreen Special Permit Issued by Planning Board (P&D)

- **COMM035_03_28_17** Rules of Professional Conduct Rule 3.9 (P&D)
- **COMM036_03_28_17** Unicorn Street Block Party - 6/3/2017 (PS)
- **COMM037_03_28_17** 7th Annual GNOCA 5K Walk - 9/24/17 (PS)

10. APPOINTMENTS

Appointments

- **APPT029_03_28_17** James McCarthy 17 Russia St Community Pres Act Comm 5/1/2020

Re-Appointments

- **APPT030_03_28_17** Robert Uhlig 10 Ocean St NRA 4/1/2018

**END OF CONSENT AGENDA
REGULAR AGENDA**

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

11. MAYOR'S UPDATE

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

12. COMMUNICATIONS

- **COMM038_03_28_17** Lower Custom House Way
Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Cameron. So voted.

13. APPOINTMENTS

Second Reading

Appointments

- **APPT016_03_13_17** Adam Armstrong 5 Buck St Harbor Comm (Alt) 4/1/2019
- **APPT017_03_13_17** Walter Lesynski 364 Merrimac St Harbor Comm (Alt) 4/1/2019

Motion to approve collectively by Councillor Cameron, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Cronin). Motion passed.

Re-Appointments

- **APPT018_03_13_17** Dr. Robin Blair 18 Market St Board of Health 3/31/2020
- **APPT019_03_13_17** Christopher Carey 25 Temple St Disabilities Comm 3/1/2020
- **APPT020_03_13_17** Andrew Casson 240 Merrimac St Harbor Comm 3/31/2020
- **APPT021_03_13_17** Robert Dow 185 Storey Ave Harbor Comm 5/1/2020
- **APPT022_03_13_17** Kristen M. Farrell 28 Spofford St Disabilities Comm 2/1/2020
- **APPT023_03_13_17** James Knapp 24 Cutting Dr Harbor Comm 5/1/2020
- **APPT024_03_13_17** Arthur M. Levine 43B Kent St Disabilities Comm 4/30/2020
- **APPT026_03_13_17** Katherine D. Preftes 6 H St Human Rights Comm 2/1/2020
- **APPT028_03_13_17** Ronald S. Ziemba 58 Lime St #1 Cultural Council 4/30/2020

Motion to approve collectively by Councillor Cameron, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Cronin). Motion passed.

14. ORDERS

- **ORDR009_02_27_17** Revolving Fund Spending Limits (**TABLED**)
Motion to remove from the table by Councillor Tontar, seconded by Councillor Cameron. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. Motion to amend, to reduce spending limit on Downtown Paid Parking from 750K to 640K, by Councillor Zeid, seconded by Councillor Devlin. Withdrawn. Motion to amend, to reduce spending limit on Downtown Paid Parking from 750K to 670K, by Councillor Zeid, seconded by Councillor Devlin. Roll call vote, 5 yes, 5 no (Tontar, Vogel, Cameron, Connell, Eigerman), 1 absent (Cronin). Motion failed. Roll call vote, 6 yes, 4 no (Giunta, Zeid, Devlin, OBrien), 1 absent (Cronin). Motion passed.
- **ORDR014_03_28_17** Excess Bond Proceeds Transfer
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. So voted.

15. ORDINANCES

- **ODNC013_07_11_16** Amend Outdoor Seating (Two Year Renewals) (**2nd reading**)
Motion to approve by Councillor Vogel, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Cronin). Motion passed.
- **ODNC002_03_28_17** Amend Sec 2 – 368, 14 – 32, Water and Sewer Board
Motion to refer to Public Utilities by Councillor Eigerman, seconded by Councillor Cameron. So voted.

15. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR002_01_25_16** Accept Gift of \$25,000 Repairing Brown's Wharf Culvert (**COW**)
- **ORDR009_02_08_16** Increase Fees for Fire Dept.
- **ORDR010_02_08_16** Increase Fines Parking Violations
- **ORDR039_05_31_16** Increase Hourly Parking Rate to \$1.50
- **ORDR079_09_26_16** Movie Location Order (**L&P**)
- **ORDR080_09_26_16** **LATE FILE** Order of Taking Parking Facility (**P&D**)
- **COMM013_01_30_17** FY2017 Mid-Year Budget Report
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Motion to receive and file by Councillor Tontar, seconded by Councillor Giunta. So voted.
- **TRAN005_02_27_17** Free Cash 25K to Dog Park Project 25K
- **ORDR010_02_27_17** Dog Park Grant Acceptance
- **TRAN006_03_13_17** Free Cash \$27,100 to Cherry Hill Soccer Field \$27,100
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Giunta. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **TRAN007_03_13_17** Free Cash \$89,000 to Water Safe Yield Est. \$89,000 (**PU**)
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Cronin). Motion passed.
- **TRAN008_03_13_17** Free Cash \$66,342 to Wastewater Collect Sys Analysis \$66,342 (**PU**)
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Giunta. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.

General Government

In Committee:

- **ORDR005_01_30_17** Human Rights Commission Resolution (**COW**)
- **APPT025_03_13_17** Leah McGavern | 21 Marlboro St | Planning Board | 5/31/2022 (**P&D**)
- **APPT027_03_13_17** Bonnie Sontag | 10 Upland Rd | Planning Board | 5/31/2022 (**P&D**)

Joint Education

Councilor Giunta announced there would be a meeting on Monday, April 3rd, at 5:30pm in Room 118 at Newburyport High School.

In Committee:

License & Permits

In Committee:

- **COMM010_01_25_16** Licensing Commission Acoustic & Amplified Entertainment
- **ODNC011_05_31_16** Amend Transient Vendors for Cashman (**COW**)
- **ORDR079_09_26_16** Movie Location Order (**B&F**)
- **ODNC001_01_30_17** BYOB Ordinance
- **COMM026_03_13_17** Outdoor Seating Application - The Purple Onion
Motion to remove from License & Permit by Councillor Vogel, seconded by Councillor Connell.
Motion to approve by Councillor Vogel, seconded by Councillor Connell. So voted.
- **COMM027_03_13_17** Outdoor Seating Application - Atomic Café
Councillor Vogel recused himself. Motion to remove from License & Permit by Councillor Earls,
seconded by Councillor Connell. Motion to approve, with the caveat on tables, by Councillor Earls,
seconded by Councillor Connell. So voted.
- **COMM028_03_13_17** **LATE FILE** Ltr from Smitten LLC re: A-Frames
- **COMM029_03_13_17** **LATE FILE** Outdoor Seating Application - West Row Café

Neighborhoods and City Services

In Committee:

- **ODNC001_01_11_16** Amend Ch11 Parks and Recreation (**COW**)
- **ORDR048_06_13_16** Sidewalk Order
- **COMM099_10_31_16** Proposed Improvement in Our Scenic Byway
- **ORDR007_02_13_17** Change the Name of Park Circle to Kelleher Way (**PU**)
- **ORDR008_02_27_17** Change the Name of Crow Lane to Colby Farm Lane (**PU**)

Planning & Development

In Committee:

- **COMM020_02_08_16** Memo re: Hiring Process for Building Commissioner
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Connell. Motion to receive and file by Councillor Cameron, seconded by Councillor Giunta. So voted.
- **COMM076_07_11_16** **LATE FILE** Boyd Drive Petition
- **ORDR080_09_26_16** **LATE FILE** Order of Taking Parking Facility (**B&F**)
- **COMM091_10_11_16** Ltr to Council from J. Sweet on ZBA
- **COMM096_10_31_16** Draft of Newburyport's Master Plan
- **COMM114_12_12_16** Memo on Master Plan - Work Plan and Appendix XX
- **COMM014_01_30_17** 30% Garage Design Docs (**COW**)

Councillor Vogel recused himself. Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Tontar. Motion to receive and file by Councillor Cameron, seconded by Councillor Tontar. So voted.

- **COMM023_02_27_17** Zoning Changes to Waterfront West (**COW**)
- **COMM024_03_13_17** Newburyport's Master Plan - Final Document (**COW**)
- **APPT025_03_13_17** Leah McGavern | 21 Marlboro St | Planning Board | 5/31/2022 (**GG**)
- **APPT027_03_13_17** Bonnie Sontag | 10 Upland Rd | Planning Board | 5/31/2022 (**GG**)

Public Safety

In Committee:

- **ODNC015_08_29_16** 25 MPH Speed Zones
- **ORDR077_09_12_16** Parking Restricted on Daniel Lucy Way
- **ORDR012_02_27_17** Update of Rules for Special Events

Public Utilities

In Committee:

- **COMM060_05_31_16** Mobilitie, LLC Highway Access Permit
- **ORDR006_2_13_17** TW Excavating & Dev, Newbury, Licensed Contractor
- **ORDR007_02_13_17** Change the Name of Park Circle to Kelleher Way (**NCS**)
- **ORDR008_02_27_17** Change the Name of Crow Lane to Colby Farm Lane (**NCS**)
- **TRAN007_03_13_17** Free Cash \$89,000 to Water Safe Yield Est. \$89,000 (**B&F**)
Motion to remove TRAN007_03_13_17 and TRAN008_03_13_17 from Budget & Finance collectively by Councillor Eigerman, seconded by Councillor Zeid. Motion to receive and file by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **TRAN008_03_13_17** Free Cash \$66,342 to Wastewater Collect Sys Analysis \$66,342 (**B&F**)
Motion to remove TRAN007_03_13_17 and TRAN008_03_13_17 from Budget & Finance collectively by Councillor Eigerman, seconded by Councillor Zeid. Motion to receive and file by Councillor Eigerman, seconded by Councillor Zeid. So voted.

Rules Committee

In Committee:

- **ORDR013_02_27_17** Amend City Council Rules Relating to Bonding Funds (**COW**)

16. GOOD OF THE ORDER

Councillor Zeid announced this is the last chance to participate in the compost pilot program. Also wanted to bring to the public's attention the topic of art on the rail trail.

17. EXECUTIVE SESSION

Motion to go into Executive Session, for the purpose of discussing potential litigation by Councillor Eigerman, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Cronin). Motion passed. The Council President stated the council would not come back into regular session. 9:30pm.

18. ADJOURNMENT

Motion to come out of Executive Session by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Cronin). Motion passed. Motion to adjourn by Councillor Tontar, seconded by Councillor Zeid. So voted. 9:47pm.

TRANSFERS



City of Newburyport

FY 2017

BUDGET TRANSFER REQUEST

Department: Department of Public Services

Submitted by: Anthony Furnari, DPS Director

Date Submitted: 4/10/2017

Transfer From:

Account Name	Sewer Retained Earnings	YTD Bal:	\$ 1,339,115.00
Account Number:	61-35920	Trans In:	\$ -
Amount:	\$66,625.19	Trans Out:	\$ 80,000.00
Why are Funds Available:	<i>The Massachusetts Department of Revenue certified Retained Earnings for the Sewer Enterprise Fund for FY2017 at \$1,419,115. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.</i>		

Transfer From:

Account Name	CIP WWTF Fence	YTD Bal:	\$ 12,358.05
Account Number:	3414-59600	Trans In:	\$ -
Amount:	\$12,358.05	Trans Out:	\$ -
Why are Funds Available:	<i>Residual balance remaining in the capital project account to replace the fence at the Wastewater Treatment Facility.</i>		

Transfer From:

Account Name	CIP WWTF Improvements	YTD Bal:	\$ 11,016.76
Account Number:	3201-59600	Trans In:	\$ -
Amount:	\$11,016.76	Trans Out:	\$ -
Why are Funds Available:	<i>Residual balance remaining in the capital project account to design the Wastewater Treatment Facility.</i>		

Transfer To:

Account Name	Pump and Valve Replacements	YTD Bal:	\$ -
Account Number:	New	Trans In:	\$ -
Amount:	\$90,000.00	Trans Out:	\$ -
Why are Funds Required:	<i>See attached explanatory memorandum.</i>		

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




Date: 4/4/17
 Date: 4/4/17



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: April 4, 2017
Subject: Request for Transfer to fund Pumps and Valves/Actuators

I am writing to respectfully request approval of an appropriation to fund the replacement of pumps, valves and actuators at the City's Wastewater Treatment Facility.

The request was submitted in the Capital Improvement Program (CIP): FY2017-FY2021 for the Sewer Enterprise Fund. This project was reviewed by the Water and Sewer Commission and recommended for funding from the following sources:

Funding Source	Amount
Sewer Enterprise Fund Retained Earnings	\$66,625.19
CIP WWTF Fence	\$12,358.05
CIP WWTF Improvements	\$11,016.76
Total	\$90,000.00

The return activated sludge (RAS) and waste activated sludge (WAS) pumps currently in place were installed in 1976 with an anticipated lifespan of 30 years. During the recent Wastewater Treatment Facility Improvement projects, the motors were replaced but not the actual pumps. The pumps are used for pumping waste, moving sludge and are an integral part of the Wastewater Treatment Facility. They are badly worn, highly inefficient and failure is eminent.

I strongly support the Department of Public Services and Water and Sewer Commission with the attached transfer request. I thank you for your consideration.



City of Newburyport

FY 2017

BUDGET TRANSFER REQUEST

Department: Department of Public Services
Submitted by: Anthony Furnari, DPS Director **Date Submitted:** 4/10/2017


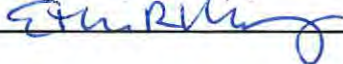
Transfer From:

Account Name	<u>Rsv for Appr I/I Fees</u>	YTD Bal:	<u>\$ 575,363.01</u>
Account Number:	<u>2723-59600</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$250,000.00</u>	Trans Out:	<u>\$ -</u>
Why are Funds Available:	<u>The Inflow/Infiltration ("I/I") Fee was created in 1999 as a one-time charge of \$3/gallon when a user connects or adds to the wastewater collection system. This is a Reserve for Appropriation account with the designated purpose of financing I/I identification, elimination and rehabilitation efforts.</u>		

Transfer To:

Account Name	<u>Sewer & Manhole Replacement Project</u>	YTD Bal:	<u>\$ -</u>
Account Number:	<u>New</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$250,000.00</u>	Trans Out:	<u>\$ -</u>
Why are Funds Required:	<u>See attached explanatory memorandum.</u>		

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

Date: 4/4/17
 Date: 4/4/17



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: April 4, 2017
Subject: Request for Transfer Funds to I/Inflow Sewer Replacement and Manhole Project

I am writing to respectfully request approval of an appropriation from the Sewer Inflow and Infiltration (I/I) receipts reserved for appropriation fund in the amount of \$250,000 to fund the first phase of the I/I Sewer Main and Manhole Replacement/Rehab Project.

The following request was submitted in the Capital Improvement Program (CIP): FY2017-FY2021 for the Sewer Enterprise Fund. This project was reviewed by the Water and Sewer Commission and recommended for funding from I/I funds.

At the March 22, 2017 Water and Sewer Commission meeting, Jamie Tuccolo presented the I/I Sewer Main and Manhole Replacement/Rehab Project. Currently, portions of the City have older sewer mains, which are aging clay pipe; some areas are in good condition, others areas are not so good. The goal of this project is to replace the aging lines with PVC, thereby reducing the amount of ground water, commonly referred to as I/I, from entering the collection system, ultimately reducing the amount of inflow to the Wastewater Treatment Facility.

The I/I account is funded through fees paid by property owners when permitted construction results in increased flows to the wastewater system. This is a reserve for appropriation account with the designated purpose of financing I/I identification, elimination and rehabilitation efforts; the current balance is \$575,363.

Thank you in advance for your consideration.



City of Newburyport

FY 2017

BUDGET TRANSFER REQUEST

Department: Department of Public Services

Submitted by: Anthony Furnari, DPS Director

Date Submitted: 4/10/2017

Transfer From:

Account Name	Water Retained Earnings	YTD Bal:	\$ 1,910,192.00
Account Number:	60-35920	Trans In:	\$ -
Amount:	\$115,000.00	Trans Out:	\$ 60,000.00
Why are Funds Available:	<i>The Massachusetts Department of Revenue certified Retained Earnings for the Water Enterprise Fund for FY2017 at \$1,970,192. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.</i>		

Transfer To:

Account Name	WTP Sump Pump Repair	YTD Bal:	\$ -
Account Number:	New	Trans In:	\$ -
Amount:	\$50,000.00	Trans Out:	\$ -
Why are Funds Required:	<i>See explanatory memo from Mayor Holaday.</i>		

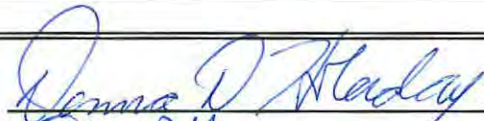
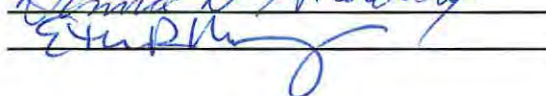
Transfer To:

Account Name	Artichoke Pump Station Skylight/Roof Repairs	YTD Bal:	\$ -
Account Number:	N/A	Trans In:	\$ -
Amount:	New	Trans Out:	\$ -
Why are Funds Required:	<i>See explanatory memo from Mayor Holaday.</i>		

Transfer To:

Account Name	Sludge Removal in the Lagoons	YTD Bal:	\$ -
Account Number:	N/A	Trans In:	\$ -
Amount:	New	Trans Out:	\$ -
Why are Funds Required:	<i>See explanatory memo from Mayor Holaday.</i>		

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

Date: 4/4/17
 Date: 4/4/17



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY

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

To: President and Members of the City Council
From: Mayor Donna D. Holaday
Date: April 4, 2017
Subject: FY17 Capital Transfer Request – Water Enterprise Funds

The following requests were submitted in the five-year capital improvement program for the Water Enterprise Fund. These capital needs were reviewed by the Water and Sewer Commission and recommended for appropriation from enterprise fund retained earnings.

Project	Amount
WTP Sump Pump Repair	\$50,000
Artichoke Pump Station Skylight/Roof Repairs	\$25,000
Sludge Removal in the Lagoons	\$40,000
Total	\$115,000

- **WTP Sump Pump Repair**

Cost: \$50,000

Rationale: The backup sump pump for the Water Treatment Plant has broken its main impellor shaft. The repair will require that the motor and pump assembly are removed and replaced. The location of the large pump assembly under the existing concrete stairs will require special rigging to execute the work. This equipment was not replaced during the most recent Water Improvement Program.

- **Artichoke Pump Station Skylight/Roof Repairs**

Cost: \$25,000

Rationale: The roof skylight hatches which are located directly over the raw water pumps and motors are leaking. The inside ceilings and skylight access hatchways are showing water damage and large sections of the ceilings are starting to fall apart. Repairs to the roof, hatches and ceilings should be done before sections of the ceiling materials fall onto the pumps, motors, and related electrical gear. The Artichoke Pump Station was constructed in 2004.

- **Sludge Removal in the Lagoons**

Cost: \$25,000.00

Rationale: The sludge levels in lagoons has continually increased as the yearly sludge pumping removal and drying process only allows a limited quantity of sludge to be dried and shipped. The excess sludge levels in the lagoon cannot be pumped due to its hardened nature and mechanical methods will be required to transfer the material to the drying bed. Allowing the excess sludge levels to continually build up in the lagoons could result in sludge carryover.

At the start of FY2017, the Department of Revenue certified a retained earnings balance of \$1,970,192 for the Water Enterprise Fund. Previously a transfer request of \$60,000 was approved. The attached transfer request totals \$115,000, leaving a balance of \$1,795,192.

I strongly support the Department of Public Services and Water and Sewer Commission with the attached transfer request. I thank you for your consideration.



City of Newburyport

FY 2017

BUDGET TRANSFER REQUEST

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor

Date Submitted: 4/10/2017

Transfer From:

Account Name	<u>General Fund - Free Cash</u>	YTD Bal:	<u>\$ 2,154,652.00</u>
Account Number:	<u>01-35910</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$45,000.00</u>	Trans Out:	<u>\$ 219,350.00</u>
Why are Funds Available:	<u>The Massachusetts Department of Revenue certified Free Cash for FY2017 at \$2,374,002. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council.</u>		

Transfer To:

Account Name	<u>Medicare Part B Reimbursement</u>	YTD Bal:	<u>\$ -</u>
Account Number:	<u>01914001-51703</u>	Category:	<u>\$ -</u>
Amount:	<u>\$45,000.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Required:	<u>See attached explanatory memorandum.</u>		

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

Donna D. Holaday
Ethan R. Manning

Date:

4/4/17

Date:

4/4/17



CITY OF NEWBURYPORT, MASSACHUSETTS

Human Resources Office
60 Pleasant Street
Newburyport, MA 01950
Phone: 978-465-5896 • Fax: 978-463-2892

To: President and Members of the City Council

From: Tracy Maynard, Human Resources Director

Date: March 29, 2017

Re: Budget Transfer Request of \$45,000 for Medicare Reimbursement Payments

The original Public Employee Committee (PEC) Memorandum of Agreement (MOA) in FY2010 stated that all subscribers who became eligible for Medicare would transfer to Medicare and the City would pay the Part B premium penalty and 15% of the enrollment cost. This was intended to address the initial necessary migration from retirees from the City's Active Plan to Medicare and the City's Medex II Supplement Plan with the adoption of the Section 18A of Ch. 32B of M.G.L in 2009.

Subsequent Appendixes to the MOA, outlined the Medicare Part B reimbursement payments (\$240.00 in FY13; \$250.00 in FY14 to include payment for retirees not Medicare eligible on the City's Active Insurance Plan; \$187.50 in FY15; \$125 in FY16). In FY2016 the City paid out \$125.00 per eligible subscriber and their spouses totaling \$59,625.00.

It was our understanding that FY2016 was the final year of this payment; therefore, it was not included in the FY17 budget. The PEC presented the City with an FY2017 Appendix to the MOU in February of 2017 (eight months into the fiscal year) which included the Medicare reimbursement of \$125.00 per retiree (this time not including spouses). The PEC presented this Appendix to the Mayor on March 23, 2017 stating that because the PEC never voted to remove the payment from the MOU, it needs to remain in effect. The total cost of the payment for the City is \$45,000.

Please contact me with any questions.

Thank you.



City of Newburyport

FY 2017

BUDGET TRANSFER REQUEST

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor

Date Submitted: 4/10/2017

Transfer From:

Account Name	<u>General Fund - Free Cash</u>	YTD Bal:	<u>\$ 2,154,652.00</u>
Account Number:	<u>01-35910</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$46,830.00</u>	Trans Out:	<u>\$ 219,350.00</u>
Why are Funds Available:	<u>The Massachusetts Department of Revenue certified Free Cash for FY2017 at \$2,374,002. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council.</u>		

Transfer To:

Account Name	<u>Purchase of 1 Ton Pickup with Plow</u>	YTD Bal:	<u>\$ -</u>
Account Number:	<u>New</u>	Category:	<u>\$ -</u>
Amount:	<u>\$46,830.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Required:	<u>The purchase of a 1 ton pickup truck with plow and utility body appears in the five-year capital plan for FY2017 (SC025). The schools explored the option of financing the truck through a 3 year lease to purchase agreement, which is why this did not appear in the original FY2017 capital funding request. After looking at the financing costs for a lease to purchase, the more feasible option was finance with cash. This replaces a 15 year old truck that is well beyond its useful life and cannot pass inspection.</u>		

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

Donna D. Holaday
Ethan R. Manning

Date:

4/4/17

Date:

4/4/17



QUOTE

CUSTOMER

Contact Name: Steve Bergholm
 Company/Dept. Newburyport Public Schools
 Street Address: _____
 City, State, Zip: _____
 Phone: 978-465-4440
 E-Mail: sbergholm@newburyport.k12.ma.us

Date: March 21, 2017
 Valid for: 6/30/2017
 Customer #: _____
 Contract: PCC 15-16-17-18-19
 Sales Rep: Jay Matisko

CONTRACT LINE REFERENCE	LINE DESCRIPTION	UNIT PRICE	QTY.	EXTENDED PRICE
F3H	F350 SRW Pickup Truck, 8' bed			\$ 23,652.00
	4X4			3,773.00
	Color: Oxford White			Incl.
	6.2L V-8 gasoline engine			Incl.
	6 Speed automatic transmission			Incl.
	Air conditioning			Incl.
	AM/FM Stereo with digital clock			Incl.
	Class III Receiver Hitch			Incl.
	Heavy duty Vinyl Seats & Floor			Incl.
66D	Bed Delete			(525.00)
512	Spare Tire and jack w/ bed delete			285.00
473	Snow plow prep			85.00
213	Electric Shift 4X4			180.00
90L	Power Equipment Group			900.00
TBM	All Terrain tires			160.00
18B	Factory Cab Steps (Running Boards)			310.00
66S	Factory Upfitter switches			160.00
8.02	8' Utility body (Match)			6,995.00
8.20	Overhead Ladder rack system			795.00
8.22	Master Locking System			525.00
8.27	Inside Compartment rope lighting			595.00
7.05	Trailer plug (7- RV)			175.00
22.16	Slide in Pintle Ball combo			135.00
2.18	Fisher 8 HD snow plow w/ edge			5,795.00
2.28	Fisher Steel Sno Foil			445.00
4.09	Whelen LED Hideaways (2) front Amber			220.00
1.06	Whelen Mini Liberty LED Lightbar Amber			895.00
1.23	Whelen M7AC LED Lights (2) rear Amber			405.00
1.16	Electronic back-up alarm			80.00
22.03	Rhino spray on bed, sides, and tops			790.00
*****Contract expires 6-30-17*****				
				TAX:
TOTAL:				\$46,830.00

TERMS AND CONDITIONS

*This quote is valid for 60 days from the date of quote. Any purchase orders or approved quotes received outside of the 60 day quote period will be subject to price adjustments. By signing this quote, the customer is agreeing to pay, in full, for all items listed above. Any requests for changes, modifications, replacements, removals or additional items may be subject to additional fees and/or adjusted delivery dates.

M.G.L c. 30B applies to the procurement of all commodities quoted. Contract items have been collectively purchased pursuant to M.G.L c 30B sec 1c and M.G.L c.7 sec 22B. The government body is responsible to determine the applicability of M.G.L. c30B to off contract items, but not limited to, off contract items that have already been properly procured under M.G.L. c30B sec 1c and M.G.L. c7 sec 22A (purchases from a vendor on contract with the Commonwealth), other contracts procured under M.G.L. c30B sec 1c and M.G.L. c. 30B contract between the vendor and the jurisdiction. All off contract items must be procured under M.G.L. c. 30B.

The terms and conditions stated herein and the provisions of any agreement between MHQ and Buyer, if applicable, shall constitute the complete and only terms and conditions applicable to any and all purchases by Buyer from MHQ. Any additional and/or different terms and/or conditions printed anywhere including on, or with, Buyer's order shall be inapplicable in regard to any purchase by Buyer from MHQ.

ORDER ACKNOWLEDGEMENT

By signing this document you are agreeing to the above terms and conditions of this order from MHQ, Inc.

x

PRINT NAME

x

TITLE

x

SIGNATURE

Quote provided by Jay Matisko , Account Manager at MHQ
(508) 573-2622 or jmatisko@mhq.com

COMMUNICATIONS

Message:

COMM040_04_10_17

Hi,

Further to our conversation on Friday, please share this with the the city council.

Thank you,
Rabbi Benjamin Resnick

Dear City Council Members,

On April 30, Congregation Ahavas Achim, in partnership with Mandarava Cafe, would like to organize a gathering in honor of Israel's Independence Day near the playground on Inn Street. The event would take place from 1-3pm, and would include a falafel stand and music. We would expect around 50 people, not including any foot traffic.

Thank you for your consideration.

Sincerely,
Rabbi Benjamin Resnick



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

DONNA D. HOLADAY
MAYOR

ETHAN R. MANNING
FINANCE DIRECTOR/CITY AUDITOR

To: President and Members of the Newburyport City Council
From: Ethan R. Manning, Finance Director/City Auditor
Date: March 29, 2017
Subject: Annual Audit of the City's FY 2016 Financial Statements

The certified public accounting firm of Melanson, Heath & Company has completed the annual audit of the City's FY 2016 financial statements. This audit must be performed by an independent CPA firm and is required by bond rating agencies, financial institutions, and various state and federal government entities. A copy of the audit is on file in the City Clerk's Office for your review.

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

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

The audit also includes a management report that contains recommendations for strengthening internal controls and operating efficiency. Overall, it was a favorable audit that did not result in any materials weaknesses or significant deficiencies for the second year in a row. The City continues to work to address the current and prior year recommendations contained in the FY 2016 management letter.

These recommendations include 1) making improvements to the accounting for compensated absences by tracking vacation and sick leaves on employee's pay stubs, 2) continuing work with the City's Trust Fund Commission on a formalizing policies and procedures for the expenditure of trust fund monies, 3) creating a spreadsheet to centralize

the tracking of unapportioned betterments that are currently tracked at the parcel level in the software system, 4) formalizing a fund balance/net position policy, 5) improving the funding and timing of payroll and vendor warrants, and 6) preparing for new Governmental Accounting Standards Board (GASB) statements related to Other Postemployment Benefits (OPEB), as well as, 7) new requirements for all federal grants received over \$750,000.

Current year recommendations include 8) implementing changes resulting from the passage of the Municipal Modernization Act and 9) continuing to make improvements to the bank account reconciliation process. Over the past three years, the City has made substantial progress in improving the cash reconciliation process, including a daily reconciliation of the City general ledger to the Treasurer's cashbook. There are, however, a number of old reconciling items, as the independent auditors note, that are being carried on the Treasurer's reconciliation between the bank statements and cashbook, which should be resolved in a more timely manner.

The City established a Financial Policies and Procedures manual back in 2012 and continues to adapt the document to address many of the recommendations contained in the report. Additionally, given the inclusion of the Newburyport Contributory Retirement System as part of the City's annual audit, Melanson, Heath & Company was able to issue an unqualified or "clean" opinion of the City's FY2016 financial statements for the fourth year in a row.

Please feel free to contact me if you have any questions. A copy of the full audit report is on file in the City Clerk's Office. The City's financial statements can also be found on the City's website under the Finance Department.



NEW FILING
RENEW

City of Newburyport

Application

Food Establishment Outdoor Seating on Public Property

Date: 3/3/2017

Name of Business Owner: Merrilee Steeves

Name of Property Owner: Dan Abdulla

Business Name: Harbor Creamery

Business Address: 39 Pleasant Street Business Phone: 978-519-3093

Number of Tables Requested: 0 Dimensions: _____ Material: _____

Number of ^{BENCHES} Chairs Requested: 2 Dimensions: 35" H x 48 1/2" W x 24" D Material: white/all weather high-density composite

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

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

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

Application Requirements

Please submit the following documents with the completed application to:

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

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

Application - Food Establishment Outdoor Seating on Public Property


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

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

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



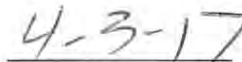
Signature of Business Owner



DATE



Signature of ADA Coordinator
(Building Department)



DATE



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
3/31/2017

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 Eastern Insurance Group LLC 233 West Central St Natick MA 01760	CONTACT NAME: Lori Keiffer PHONE (A/C, No, Ext): (800) 333-7234 FAX (A/C, No): E-MAIL ADDRESS: LKeiffer@easterninsurance.com
	INSURER(S) AFFORDING COVERAGE
INSURED Harbor Creamery, LLC 39 Pleasant street Newburyport MA 01950	INSURER A: Hartford Insurance Co
	INSURER B:
	INSURER C:
	INSURER D:
	INSURER E:
	INSURER F:

COVERAGES CERTIFICATE NUMBER: Master 17-18 REVISION NUMBER:

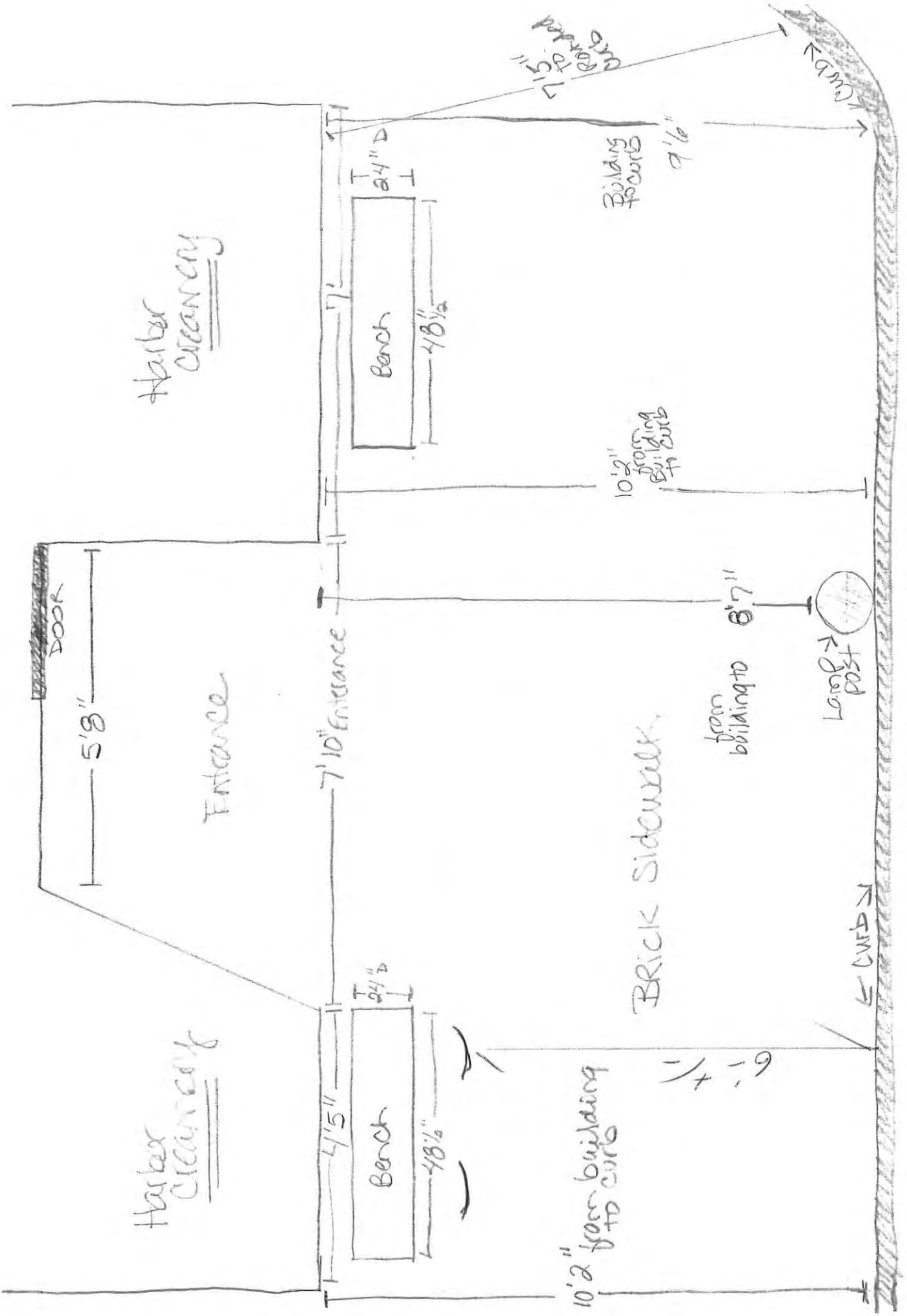
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER			08SBAIX2414	3/31/2017	3/31/2018	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 50,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Employee Benefits \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				<input type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Property			08SBAIX2414	3/31/2017	3/31/2018	BUS Prop 90000 DED 1000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
The City of Newburyport is named as additionally insured with respect to general liability for bench adjacent to property

CERTIFICATE HOLDER 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 John Koegel/SMORRI

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Harbor Cleanery

Harbor Cleanery

Entrance

Door

5'8"

7'10" Entrance

4'5"

Bench

48 1/2"

24" D

10'2" from building to curb

10'2" from building to curb

Building towards 9'6"

7'5" marked

Brick Sidewalk

from building to 8'7"

Loop Post

← CURB →

← CURB →

6'9"

ALL-WEATHER FURNITURE

When we say "all weather," we mean it. From the hottest sun to the fiercest storm, this collection of American-made furniture won't rot, splinter, warp, crack or ever need to be painted.



A-C
White

Canvas Throw Pillow, Lobster
JR300916
shop at llbean.com

USA Bean's All-Weather Furniture

Tested to withstand any weather. Built to last season after season.

A-J. We built this high-quality, low-maintenance furniture from partially recycled materials and it's virtually maintenance free. Each piece is heavy enough to withstand wind. Roomy slat seats shed rain. Rocker posts are angled for support and good posture. Presidential Rocker has woven back and seat; due to the woven fabrication we suggest storing indoors for the winter. Glider seats two and has a smooth and quiet gliding motion. Garden Bench offers comfortable seating for two. 100% high-density polyethylene, with coated stainless-steel hardware. Assembly required. Pair with our Casco Bay Cushions, page 10. USA.

Colors Side Table, Garden Chair, Garden Bench, Porch Rocker, Glider: Green. White. Sand (view online). Round Side Table: Green. White. Sand. Classic Navy. Classic Red. Slate Gray. Presidential Rocker: Green. White/White. Black/Black (view online). Patio Side Table, Settee, Chair, Coffee Table: White.

6 SHOP ANYTIME AT LLBEAN.COM OR 800-221-4221

A. GARDEN CHAIR	35¼"H X 25½"W X 24"D	JR269698	\$299 (\$15)*†
B. GARDEN BENCH	35¼"H X 48½"W X 24"D	JR269699	\$449 (\$15)*†
C. SIDE TABLE	15¼"H X 18"W X 21"D	JR233959	\$169
D. ROUND SIDE TABLE	18"H X 18" DIAMETER	JR269918	\$109
E. PRESIDENTIAL ROCKER	47"H X 26½"W X 34"D	JR269948	\$349 (\$15)*†
F. PORCH ROCKER	42½"H X 26¼"W X 33¾"D	JR269949	\$329 (\$15)*†
GLIDER (VIEW ONLINE)	35"H X 47½"W X 24½"D	JR281386	\$649 (\$15)*†

G. NEW PATIO SIDE TABLE 17"H X 18"W X 18"D JR304744 \$169

H. NEW PATIO SETTEE 32¾" H X 51½"W X 33¼"D

NAVY CUSHION JR304748 \$989 (\$30)*†

GRANITE CUSHION (VIEW ONLINE) JR304749 \$989 (\$30)*†

I. NEW PATIO CHAIR 32¾"H X 28½"W X 33¼"D

NAVY CUSHION JR304746 \$569 (\$15)*†

GRANITE CUSHION (VIEW ONLINE) JR304747 \$569 (\$15)*†

J. NEW PATIO COFFEE TABLE 17"H X 36"W X 22¼"D JR304745 \$299 (\$30)*†

* Oversized delivery and handling charge per US address.

† This item may require additional shipping time. Please inquire.



NEW FILING _____
RENEW

City of Newburyport

Application

Food Establishment Outdoor Seating on Public Property

Date: 3/28/17

Name of Business Owner: Philip Wynne

Name of Property Owner: Philip Wynne

Business Name: The Post Tavern

Business Address: 84 State St. Business Phone: 978-465-1006

Number of Tables Requested: 41 Dimensions: 32" x 32" Material: Metal/Synthetic wood

Number of Chairs Requested: 12 Dimensions: 18" x 18.5" Material: metal/Synthetic wood

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

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

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

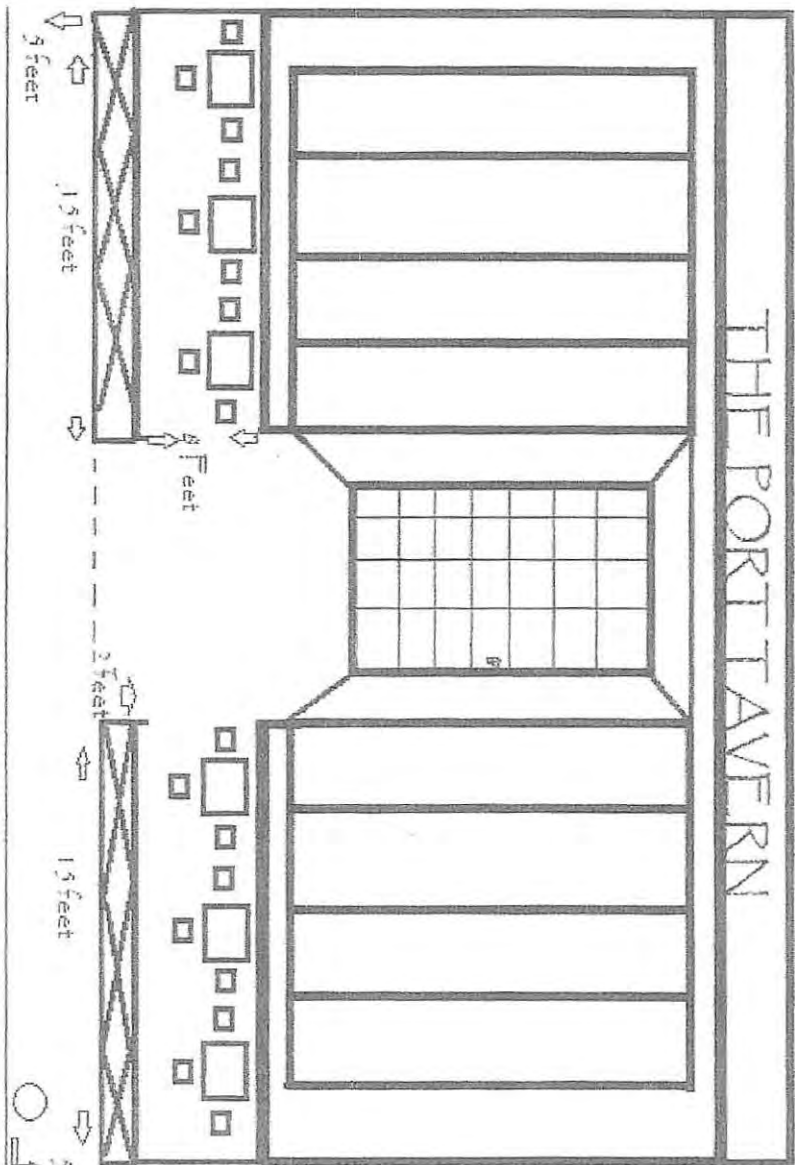
Application Requirements

Please submit the following documents with the completed application to:

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

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

THE PORT TAVERN



Tables 2x2x3h Metal
Chairs 3h x 2w Metal

Black Plastic Lattice
Fence (movable)

trash

Handwritten initials

Application - Food Establishment Outdoor Seating on Public Property

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

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

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



Signature of Business Owner

3/28/17
DATE



Signature of ADA Coordinator

3-28-17
DATE

©1998 GOES 1432
All Rights Reserved

LICENSE ALCOHOLIC BEVERAGES

THE LICENSING BOARD OF

The.....of.....
CITY MASSACHUSETTS NEWBURYPORT

HEREBY GRANTS A

COMMON VICTUALER

License to Expose, Keep for Sale, and to Sell

All Kinds of Alcoholic Beverages

To Be Drunk On the Premises

To.....
Bolwyn Corp. MANAGER: Janas Zeke
..... dba Port Tavern; 84 State Street
on the following described premises

..... bar/lounge and dining area/kitchen on 1st floor with open space office & storage
..... on second floor mezzanine. Outdoor seating for 18, increased space by 600 ft,
..... expand 2nd floor 600 ft.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conform to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made thereunder by the licensing authorities. This license expires December 31st, 20..17., unless earlier suspended, cancelled or revoked.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures this..... day of..... 20.....

The Hours during which Alcoholic THIRTEENTH DECEMBER 16
Beverages may be sold are

From
Monday - Saturday
8:00am - 1:00am
Sunday 11:00am - 1:00am

CENT
Richard J. [Signature]

[Signature]
LICENSING BOARD

THIS LICENSE SHALL BE DISPLAYED ON THE PREMISES IN A CONSPICUOUS POSITION WHERE IT CAN EASILY BE READ



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

3/21/2017

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 Malcolm & Parsons Insurance Agency 713 Washington Street P.O. Box 527 Stoughton MA 02072		CONTACT NAME: Jaime Gonsalves PHONE (A/C, No, Ext): (781) 344-3200 E-MAIL ADDRESS: jll@malcolmandparsons.com FAX (A/C, No): (781) 344-1425	
INSURED Bolwyn Corp. DBA: The Port Tavern 84 State Street Newburyport MA 01950		INSURER(S) AFFORDING COVERAGE INSURER A: Hospitality Mutual Insurance INSURER B: Safety Property & Casualty Ins INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 12808	

COVERAGES

CERTIFICATE NUMBER: Master 03/21/17

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X		00084580GL	2/10/2017	2/10/2018	EACH OCCURRENCE \$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
							MED EXP (Any one person) \$ 5,000
							PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
Hired Non Owned Auto \$ 1,000,000							
B	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			6215886	12/1/2016	12/1/2017	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
							BODILY INJURY (Per person) \$
							BODILY INJURY (Per accident) \$
							PROPERTY DAMAGE (Per accident) \$
							Medical payments \$ 5,000
A	<input type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$			00084580EL	2/10/2017	2/10/2018	EACH OCCURRENCE \$ 1,000,000
							AGGREGATE \$ 1,000,000
							\$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE OTHER
							E.L. EACH ACCIDENT \$
							E.L. DISEASE - EA EMPLOYEE \$
							E.L. DISEASE - POLICY LIMIT \$
A	Liquor Liability			00084582LL	2/10/2017	2/10/2018	Per Occurrence \$1,000,000 Aggregate \$2,000,000

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

Neighborhood Tavern

Liability policies provide coverage for outdoor patio seating.

The City of Newburyport is Additional Insured with respect to General Liability.

CERTIFICATE HOLDER**CANCELLATION**

City of Newburyport 60 Pleasant Street Newburyport, MA 01950	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Anne Parsons/JAIME <i>Anne Parsons</i>
--	---

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

03/21/2017

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 MALCOLM & PARSONS INSURANCE AGENCY INC P O BOX 527 STOUGHTON MA 02072	CONTACT NAME: Jaime Gonsalves	FAX (A/C, No):	
	PHONE (A/C, No, Ext): (781) 344-3200	E-MAIL ADDRESS: jll@malcolmandparsons.com	
INSURED BOLWYN CORP 84 STATE STREET NEWBURYPORT MA 01950	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: TRAVELERS INDEMNITY CO OF AMERICA	25666	
	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		

COVERAGES CERTIFICATE NUMBER: 136251 REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
	COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:			N/A			EACH OCCURRENCE	\$	
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			N/A			COMBINED SINGLE LIMIT (Ea accident)	\$	
	UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE RETENTION \$			N/A			EACH OCCURRENCE	\$	
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	N/A	6HUB7H80859417	01/01/2017	01/01/2018	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTHER	\$ 500,000
				N/A			E.L. EACH ACCIDENT	\$ 500,000	
							E.L. DISEASE - EA EMPLOYEE	\$ 500,000	
							E.L. DISEASE - POLICY LIMIT	\$ 500,000	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Workers' Compensation benefits will be paid to Massachusetts employees only. Pursuant to Endorsement WC 20 03 06 B, no authorization is given to pay claims for benefits to employees in states other than Massachusetts if the insured hires, or has hired those employees outside of Massachusetts.

This certificate of insurance shows the policy in force on the date that this certificate was issued (unless the expiration date on the above policy precedes the issue date of this certificate of insurance). The status of this coverage can be monitored daily by accessing the Proof of Coverage - Coverage Verification Search tool at www.mass.gov/lwd/workers-compensation/investigations/.

CERTIFICATE HOLDER 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 Daniel M. Crowley, CPCU, Vice President - Residual Market - WCRIBMA

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NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

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

NAME OF EVENT: PMC Greater Newburyport Kids Ride

Date: June 11, 2017 Time: from 9:00 am to 12:00 pm

Rain Date: _____ Time: from _____ to _____

2. Location: Cushman Park - Basketball Courts - Clipper City Rail Trail

3. Description of Property: Cushman Park & rail trail Public Private _____

4. Name of Organizer: Kelly Mahon City Sponsored Event: Yes _____ No

Contact Person

Address: 36 Beacon Avenue Telephone: 978-462-6448

E-Mail: Kellymahon@comcast.net Cell Phone: 631-793-5776

Day of Event Contact & Phone: Kellymahon 631-793-5776

5. Number of Attendees Expected: ~ 100

6. MA Tax Number: 04-2746912

7. Is the Event Being Advertised? yes Where? signs, social media, Daily News

8. What Age Group is the Event Targeted to? ages 3-12

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

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

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

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

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

Name of Carnival Operator: _____

Address: _____

Telephone: _____

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

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

If yes:

- a) How many trash receptacles will you be providing? 2
- b) How many recycling receptacles will you be providing? 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 _____
- 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: Pan Mass Challenge Greater Newburyport Kids Ride

2. Name, Address & Daytime Phone Number of Organizer: Kelly Mahon - 36 Beacon Avenue Newburyport, MA 01950
(631) 793-5776 - cell

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

4. Date of Event: June 11, 2017 Expected Number of Participants: ~80

5. Start Time: 9:00 AM Expected End Time: 12:00 pm

6. Road Race, Parade or Walkathon Route: (List street names & **attach map of route**): Clipper City Rail Trail - beginning + finishing at
Cashman Park

7. Locations of Water Stops (if any): only Cashman Park

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 [Signature] 4 Green St. FIRE CHIEF [Signature] 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.

<i>Approval Required</i>	Date: _____	Signature _____
___	1. Special Events: _____	
___	2. Police: <u>requesting police detail on the rail trail at the Washington St. crossing</u>	
	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

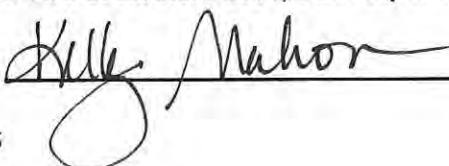
- (a) *"Procedure"* All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, board of directors, charity foundation or designee apply for authorization to hold the event through the Office of the City Clerk. The City Clerk upon review of the completed form will place 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.

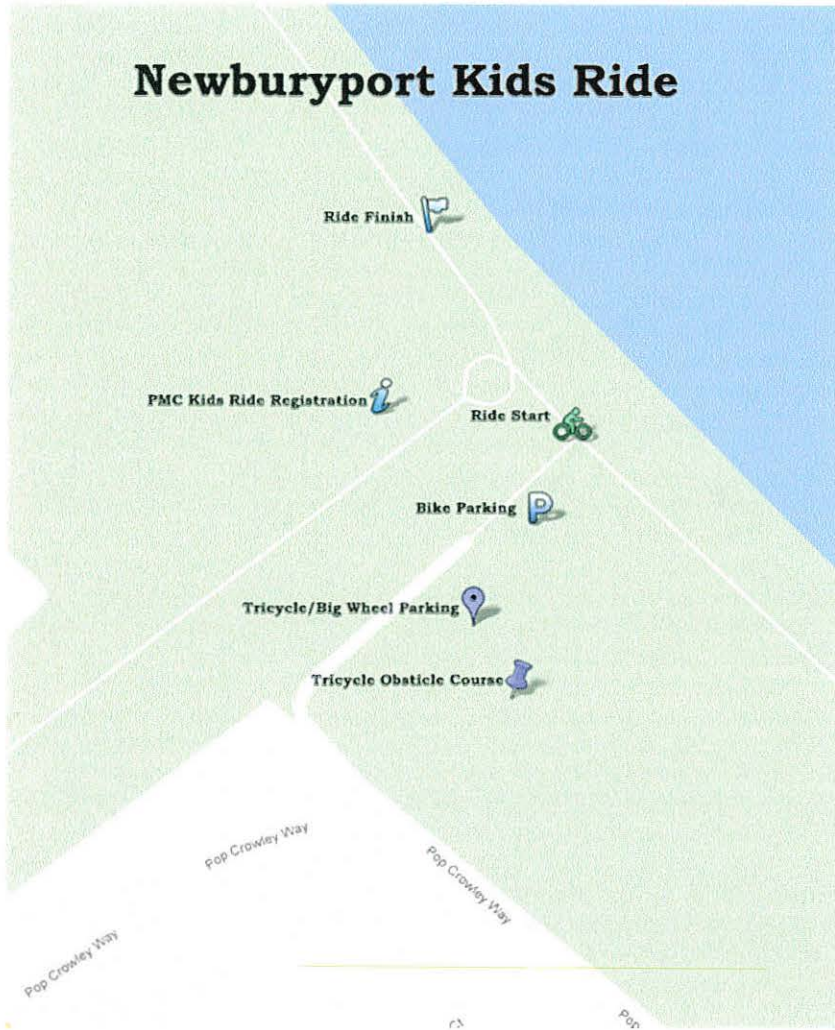
- (e) *"Road Closure"* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers 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: _____



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*Controlled Risk Insurance Company of Vermont, Inc.
(A Risk Retention Group)
Burlington, Vermont*

Professional/Commercial General Liability Policy

Additional Insured Endorsement

Named Insured: DANA-FARBER CANCER INSTITUTE, INC.

Effective Date: 01/01/2017

Policy No: DFCI-CRICO-C-GLPL-1497-2017

Endorsement No: E2-1934

Endorsement Effective Date: 06/11/2017

Policy Period: 01/01/2017 to 12/31/2017

Additional Insured: CITY OF NEWBURYPORT

CITY OF NEWBURYPORT
CITY CLERK'S OFFICE
60 PLEASANT STREET
NEWBURYPORT, MA 01950

This Endorsement modifies the General Liability Policy.

I. For purposes of this Endorsement only, Section IV of the General Liability Policy, PERSONS INSURED, is amended to include the person(s), organization(s) or entities set forth above as an additional insured ("**Additional Insured**"), but only with respect to liability for **Bodily Injury, Property Damage or Personal and Advertising Injury** caused by:

1. the negligence of the **Named Insured**; or
2. the negligence of others acting on behalf of the **Named Insured**

and, in either case of 1 or 2 above, only to the extent such liability arises out of the Newburyport Kids Ride to be held in the City of Newburyport on June 11, 2017 from 5:00AM to 4:00PM (the "**Agreement**").

However, the insurance afforded to such **Additional Insured** pursuant to this Endorsement:

1. Only applies to the extent permitted by law; and
2. Will not be broader than that which the **Named Insured** is required by **Agreement** to provide to such **Additional Insured**.

II. As respects the **Additional Insured** only, Section II "LIMITS OF LIABILITY" is deleted and replaced with the following:

LIMITS OF LIABILITY

Regardless of the number of **Claims** made, **Suits** brought, **Insureds**, persons injured, or persons asserting **Claims**, the **Company's** liability is limited as follows:

- a. The limit of liability applicable to each **Claim** against the **Additional Insured** is \$2,000,000 (Two Million Dollars). That amount is the most the **Company** will pay for all **Damages** as well as all **Claims Expense** arising out of each **Event**.
- b. The limit of liability applicable to all **Claims** against the **Additional Insured** is \$2,000,000 (Two Million Dollars). That amount is the most the **Company** will pay for all **Damages** as well as all **Claims Expense** because of all **Personal and Advertising Injury** sustained by any one person or organization or group of related persons or organizations.
- c. Subject to the limits of liability stated in a and b above, the most the **Company** will pay on behalf of the **Additional Insured** and the **Named Insured** combined for all **Damages** and all **Claims Expense** for any one **Claim** is \$5,000,000 (Five Million Dollars).

This endorsement shall not increase the applicable Limits of Liability shown on the DECLARATIONS page of the Policy regardless of the number of **Claims** or **Insureds**.

Should the above described policy be canceled before the expiration date thereof, the **Company** will endeavor to mail 30 days written notice to the **Additional Insured**, but failure to mail such notice shall impose no obligation or liability of any kind upon the **Company**.

All other terms and conditions of the policy shall remain unchanged by this Endorsement.

Terms appearing in bold in this Endorsement shall have the same meaning as the definition of that term in the policy which this Endorsement modifies.

Notice: The Policy and this endorsement are issued by a risk retention group. A risk retention group may not be subject to all of the insurance laws and regulations of your State. State insurance insolvency guaranty funds are not available for risk retention groups.

IN WITNESS WHEREOF the Company has caused this Endorsement to be signed by its duly authorized representative.

A handwritten signature in black ink, appearing to read "D. A. [unclear]", written over a horizontal line.

Rev. 01/01/2017

Duly Authorized Representative

NEWBURYPORT SPECIAL EVENT APPLICATION

Tel. 617 799-6980 Fax. _____

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

- NAME OF EVENT: Flag Day 5K
- Date: June 10 Time: from 3 PM to 8 PM
 Rain Date: None Time: from _____ to _____
2. Location: Cashman Park - Soccer Field
3. Description of Property: _____ Public Private _____
4. Name of Organizer: 1st Lt. Derek Hines Soldiers Fund City Sponsored Event: Yes _____ No
 Contact Person Steve Hines
 Address: 54 Ferry Rd. Telephone: 978 465-1252
 E-Mail: hin57@comcast.net Cell Phone: 617 799-6980
 Day of Event Contact & Phone: Same as above
5. Number of Attendees Expected: 2500
6. MA Tax Number: 260 752 782
7. Is the Event Being Advertised? Yes Where? Social media
8. What Age Group is the Event Targeted to? All ages
9. Have You Notified Neighborhood Groups or Abutters? Yes No _____, Who? _____

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

- A. Vending: Food _____ Beverages _____ Alcohol Goods _____ Total # of Vendors _____
- B. Entertainment: (Subject to City's Noise Ordinance.) Live Music DJ _____ Radio/CD _____
 Performers _____ Dancing _____ Amplified Sound Stage
- C. Games /Rides: Adult Rides _____ Kiddie Rides _____ Games _____ Raffle _____
 Other _____ Total # _____
 Name of Carnival Operator: _____
 Address: _____
 Telephone: _____
- D. Organizer is responsible for clean-up during and after event. All trash must be collected and removed from event location immediately at the end of the event unless prior written agreement had been made with the Department of Public Services (DPS).

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

If yes:

- a) How many trash receptacles will you be providing? 12 plus dumpster
- 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 Mello 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)

18 Standard # 2 ADA accessible

Name of company providing the portable toilets: Wilkinson

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:
1st. Lt. Derek Hines Soldiers Assistance Fund

2. Name, Address & Daytime Phone Number of Organizer:
Steven Hines 617 799-6980
54 Ferry Rd.
Newburyport, MA

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

4. Date of Event: June 10, 2017 Expected Number of Participants: 2500

5. Start Time: 3 PM Expected End Time: 8 PM

6. Road Race, Parade or Walkathon Route: (List street names & attach map of route):
Merrimac to Jefferson, High St. to Kent St.
right on Washington to Rail Trail into Cashman.

7. Locations of Water Stops (if any): Top of Jefferson + Washington St.

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

9. Formation Location & Time for Participants: Cashman Park 4 PM

10. Dismissal Location & Time for Participants: Cashman Park 5 PM

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 [Signature] 4 Green St. FIRE CHIEF [Signature] 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.

<i>Approval Required</i>	Date: _____	Signature _____
_____	1. Special Events: _____	
_____	2. Police: _____	
	Is Police Detail Required: _____	# of Details Assigned: _____
_____	3. Traffic, Parking & Transportation: _____	
_____	4. ISD/Health: _____	
_____	5. Recycling: _____	
_____	6. ISD/Building: _____	
_____	7. Electrical: _____	
_____	8. Fire: _____	
	Is Fire Detail Required: _____	# of Details Assigned: _____
_____	9. Public Works: <i>Fee for Special Events: \$45/hr/DPS employee for trash handling/staging etc. may apply</i>	
	<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.

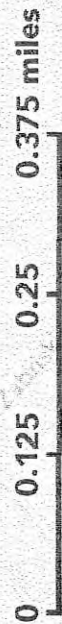
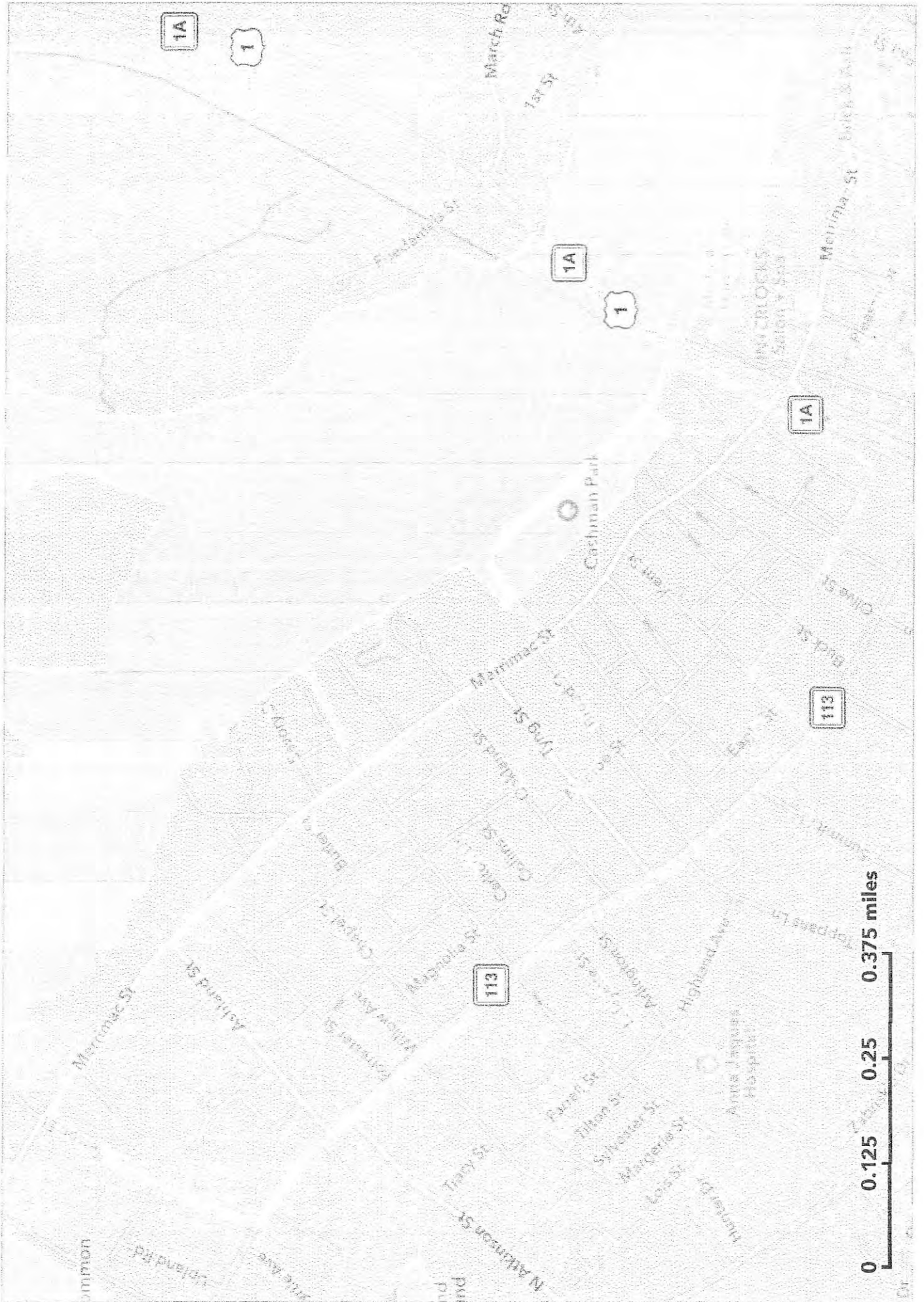
- (e) "Road Closure" No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers 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: Steve Davis Date: 1/30/17





Applicant Information

Name of organization 1st. Lt. Derek Hines Soldiers Fund
Contact name Steven Hines
Address 54 Ferry Rd.
City Newburyport
State MA Zip 01950
Phone 617 799-6980 Fax _____
Email hin57@comcast.net

Scheduling Information

Date of Application Jan. 10, 2017

We request use of:

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

Dates/days requested June 10, 2017

Time slot requested 9 AM - 9 PM
(1/2 hour blocks)

Activity Road race Number of attendees 2000

Authorized Applicant Signature Steve Hines

FOR INTERNAL USE ONLY

Approval is contingent upon approval from the following authorities:

- Health Department
- Fire Department
- Police Department FOR STREET CROSSING
- Licensing Commission
- City Council FOR STREET USE
- Harbormaster
- No further approvals needed

ADDITIONAL COMMENTS:

Event organizer is responsible for re-moving all trash from leaving site as they found it. Do not block rail trail with obstructions. This permit does not give permit-holder exclus the Clipper City Rail Trail. Please inform participants and adequate staff or volunteers to ensure that the trail is ope general public for regular use at all times during your even signage is not allowed.

Recommended donation at users discretion to support parks ma

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

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

For Parks Commission Use
Date reviewed <u>11-17</u>
Approved <input checked="" type="checkbox"/>
Rejected <input type="checkbox"/>
Comments <u>CONTINGENT ON NEXT SEE ABOVE</u>
Donation received _____

City of Newburyport, Massachusetts
Office of the License Commission

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

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

Name of Organization: 1st Lt Derek Hines Soldiers Fund

Name of Event: Flag Day 5 K

Contact Person: Steve Hines

Address: 54 Ferry Rd.

City: Newburyport State: MA Zip: 01950

Telephone Number: (Home) (978) 465-1252 (Business) (617) 799-6980

Type of License Requested: All Alcohol _____ Beer & Wine

Non-Profit Status: # 26-0752782

Place of Event: Cashman Park - Soccer Field

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

Date of Event: June 10 Time of Event: 4-8 PM

Principle Purpose of Organization/Event: Support veterans and their families

Projected Number of Attendees: 2000

Fire Department Sign Off [Signature]

Police Marshal Sign Off [Signature]

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

**YANKEE HOMECOMING INC.**

P.O. Box 493
Newburyport, MA 01950

March 29, 2017

Newburyport City Council
City of Newburyport
60 Pleasant Street
Newburyport Ma 01950

City Council President Thomas O'Brien
And Members of the Newburyport City Council:

As the General Chair for the 60th Yankee Homecoming, it will be my honor and pleasure to welcome the citizens of Newburyport and our visitors to our beautiful City of Newburyport. Over the past 60 years, our city has changed in many wonderful ways and has become a beautiful and exciting seaport. My theme for this year is "A Timeless Tradition."

When looking back into the history of Yankee Homecoming, found are the many contributions of our talented predecessors each with his or her own chronicles of Yankee Homecoming. It is through their commitment, hard work and efforts that we, once a year, come together and celebrate with family, friends and new visitors.

Newburyport's City Officials have also been very supportive in our efforts. I am requesting the use of the City of Newburyport for the 60th Yankee Homecoming Event. This year's event will be held Saturday, July 29 through Sunday, August 6. Again, this year we will celebrate the United States Coast Guard.

Thank you for your considerations and support. Please contact me if you have any questions. You can also reach me through the YHC website: www.yankeehomecoming.com.

Sincerely,

Robin Johnson
General Chairperson
2017 Yankee Homecoming
978-518-0877



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY

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

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: April 10, 2017

Subject: Correspondence from KP Law Regarding Municipal Health Insurance Reform

In an effort to clear up the confusion which resulted from the recent effort by my office to address the increase in health care costs over the past several years, I requested an opinion from legal counsel regarding the discussion which took place at the February 27, 2017 City Council meeting regarding our request to utilize the Municipal Health Insurance Reform Law (G.L. c32B, ss 21-23).

Attached for your review and consideration is the response received from Darren Klein, the Labor Attorney at KP Law. Mr. Klein reviewed the video of the meeting on February 27th and addresses many of the assertions put forth by the union representatives. In addition, he provides an opinion regarding the current PEC Agreement, an agreement that was in place when I became Mayor and one I have been endeavoring to revise for the past seven years with no success.

As Mr. Klein will attest, many of the comments put forth by the unions were incorrect and ultimately damaging to our effort to address the growing costs of health care for both the tax payers and our employees. As it currently stands, the City's health care decisions rest solely with the PEC. Without the enactment of the Health Care Reform Law, I may have a "seat at the table", but it is a powerless one. If the PEC does not wish to consider alternatives, then nothing can be done to address this issue.

It is my hope this letter from legal counsel will put to rest the confusion and discord that has resulted from our effort to address this growing structural deficit in our budget and that we can move forward and get some positive movement in addressing this issue together.

April 4, 2017

Darren Klein
dklein@k-plaw.comBY FIRST CLASS MAIL AND
BY ELECTRONIC MAIL - DHoladay@CityofNewburyport.comHon. Donna D. Holaday
Mayor of Newburyport
Newburyport City Hall
60 Pleasant Street
Newburyport, MA 01950Re: Municipal Health Insurance Reform

Dear Mayor Holaday:

As we have discussed, after reviewing the video of the February 27th City Council meeting, it is my opinion that there was some inaccurate information and misunderstanding of the municipal health insurance reform laws being expressed. As such, you have requested that I explain and opine on some of the issues that were discussed.

(1) **Utilizing the Municipal Health Insurance Reform Laws Does Not Replace the Public Employee Committee ("PEC") with the Insurance Advisory Committee ("IAC")**

Section 19 was enacted in 1993 to give municipalities an option of "coalition bargaining" over health insurance changes. Rather than bargain with each union independently, a municipality could adopt Section 19 and bargain jointly with a coalition known as the PEC, which was comprised of representatives from each union. However, as will be explained in more detail in the next Section of this opinion, very few cities and towns adopted the provisions of Section 19, since a very high majority of municipalities found the provisions of Section 19 to be overly burdensome and far too restrictive.

In July of 2011, the Municipal Health Insurance Reform laws were enacted and codified as G.L. c. 32B, §§ 21-23 ("healthcare reform laws"). The intent of the new laws was to provide "significant and immediate savings to cities and towns, while preserving a meaningful role for employee unions in the process and protecting health care quality for retirees and employees." In summary, under healthcare reform, a thirty (30) day negotiations window would be utilized for the parties to negotiate changes to current health care plan design issues with the PEC with the purpose of agreeing to a plan design that was comparable to the health insurance that was being offered through the Group Insurance Commission ("GIC") to state employees. There was also an option for municipalities to switch directly into the GIC. Municipalities were also required to share up to 25% of the first year savings directly with its employees and retirees every time changes were made,

Hon. Donna D. Holaday
Mayor of Newburyport
April 4, 2017
Page 2

which often was provided in the form of a “premium holiday” or other benefit. If the parties could not reach an agreement within 30 days, an abbreviated arbitration would be held to issue a decision using the above criteria as a framework. It should be noted that insurance contribution percentage rates are not part of healthcare reform and must continue to be traditionally bargained.

Under healthcare reform, a PEC that was created under Section 19 is not replaced with the IAC. Rather, a PEC continues to be utilized under Sections 21-23 although it would now be governed by Sections 21-23 rather than Section 19. Specifically, Section 19 provides as follows:

“The public employee committee shall include a representative of each collective bargaining unit with which the political subdivision negotiates under chapter 150E and a retiree representative. Either the public employee committee or the appropriate public authority may convene the initial meeting of the committee at any time upon 7 days notice. Either the public employee committee or the appropriate public authority may convene any subsequent meeting with notice of not less than 3 business days. The retiree representative shall be designated by the Retired State, County and Municipal Employees Association. The retiree representative shall have a 10 per cent vote. The remaining 90 per cent vote shall be divided so that each collective bargaining unit represented on the public employee committee shall have a weighted vote equal to the proportion which the number of employees eligible for health insurance under this chapter employed in the bargaining unit he represents bears to the total number of employees eligible for health insurance in all bargaining units of the political subdivision. An agreement with the appropriate public authority shall be approved by a majority of the weighted votes of the representatives on the public employee committee and shall be binding on all subscribers and their representatives.”

Under Sections 21-23 (healthcare reform), the PEC is comprised as follows:

“the appropriate public authority shall give notice to each of its collective bargaining units to which the authority provides health insurance benefits and a retiree representative, hereafter called the public employee committee, of its intention to enter into negotiations to implement changes to health insurance benefits provided by the appropriate public authority. The retiree representative shall be designated by the Retired State, County and Municipal Employees Association. A political subdivision which has previously established a public employee committee under section 19 may implement changes to its health insurance benefits pursuant to this section and sections 22 and 23.”

Accordingly, the PEC would continue to serve under healthcare reform, although it would now be governed by the provisions of Sections 21-23 and the process summarized above.

Hon. Donna D. Holaday
Mayor of Newburyport
April 4, 2017
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(2) **Utilizing Municipal Health Insurance Reform is Not a “Rogue” Action**

It was expressed several times at the City Council Meeting on February 27th that utilizing the healthcare reform laws was tantamount to a “rogue action” by the City.

This clearly is unsupported by the facts, in my opinion, since many more municipalities have utilized the healthcare reform process than coalition bargaining under Section 19. As briefly referenced above, Section 19 was enacted in 1993 to give municipalities an option of coalition bargaining with all of the unions together regarding health insurance benefits. Between 1993 and 2006, approximately only eight (8) municipalities adopted Section 19 as it was widely regarded as being overly burdensome, too restrictive and shifting too much of the authority away from the employer and to the PEC Committee. In fact, based upon the size of the teachers union in most communities, adoption of Section 19 often resulted in the teachers union ostensibly having a pocket veto on any health insurance changes. Although I was not able to confirm the exact number of municipalities that have adopted Section 19 to date, I am confident based upon the information available that said number is less than 5% of all municipalities. Moreover, several of those few communities that previously adopted Section 19 have since adopted healthcare reform because of the difficulties they faced successfully making changes under Section 19. In fact, complaints about bargaining for health insurance changes as a coalition under Section 19 or traditionally with each Union under G.L. c. 150E is largely what led to healthcare reform being enacted by the legislature in 2011.

Contrary to the very limited amount of municipalities that adopted Section 19, the healthcare reform laws (Section 21-23) have proven very successful for cities and towns looking to make health insurance plan design changes, since it offered a mechanism that was fair for both the employer and the employees and further allowed employees and retirees to share in the savings. In a White Paper that was published in June of 2014, the following information was provided:

- In the first year alone of healthcare reform (FY 2012), the estimated savings far exceeded the projected number of \$100 million.
- In the first three (3) years after the healthcare reform laws were passed (FY2012-FY2014), nearly \$247 million in savings were achieved by 257 local governments.
- In the first three (3) years after healthcare reform was passed, 91 municipalities used the reform process to address health insurance costs while an additional 166 municipalities made changes “through traditional bargaining inspired by the reform”, which means that the health insurance reform model of negotiating a GIC benchmark plan and sharing 25% of the first year savings was used without formally utilizing the provisions of Sections 21-23.
- Moreover, an additional 22 cities and towns joined the GIC during the first three (3) years after healthcare was passed (FY 2012 through FY 2014). To date, approximately forty-five (45) cities and towns have switched to the GIC.

Hon. Donna D. Holaday
Mayor of Newburyport
April 4, 2017
Page 4

See the below link:

https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=0ahUKEwi41emqlonTAhWrv1QKHauM2IQFggdMAA&url=https%3A%2F%2Fwww.mma.org%2Fimages%2Fstories%2FNewsArticlePDFs%2Flabor_personnel%2Fmuni_health_reform_rpt_6-9-14.pdf&usq=AFQjCNGmqtp9Un_-0kDHzv2GE8y02XslQA&sig2=9HcGbgdGfhmyIIHYhUyN8w&bvm=bv.151325232,d.eWE

Although I have not been able to obtain the exact number of cities and towns that have adopted healthcare reform under Sections 21-23 since FY 2014, the above numbers have certainly increased while the small number of cities and towns operating under Section 19 has continued to get even smaller. Based on the above, it clearly is unfair and inaccurate to say that a City which invokes the healthcare reform laws to negotiate health insurance changes “has gone rogue.” To the contrary, municipalities still operating under the provisions of Section 19 are becoming more and more obsolete and the provisions of Section 19 are commonly viewed as being archaic.

(3) **The Current PEC Agreement is Likely Unenforceable without a Defined Term of Years**

It is my understanding that the Union and the PEC have taken the position that the original PEC agreement never expires because the initial term of the agreement was not clearly defined. In my opinion, even if this was true, such an agreement would not be legally enforceable.

It is clearly against public policy for the City to be able to enter into a contract for an indefinite term of years. In fact, General Laws c. 150E, § 7 limits the maximum length of a collective bargaining agreement with any union to three (3) years. Moreover, contractual limitations are noted right in Section 19, which provides that “the acceptance of this section may be revoked in the same manner it was accepted in accordance with all other subsections of section 4B of said chapter 4, subject to the requirements of any written agreements as provided in this section and chapter 150E.” As stated above, G.L. c. 150E limits the maximum length of a collective bargaining agreement to three (3) years. Furthermore, the enabling legislation for healthcare reform, Section 4 of Chapter 69 of the Acts of 2011, specifically provides as follows:

“Notwithstanding any general or special law to the contrary, an appropriate public authority that implements changes to health insurance benefits pursuant to sections 22 and 23 of chapter 32B of the General Laws shall delay implementation of such changes, as to those subscribers covered by a collective bargaining agreement or section 19 agreement that is in effect on the date of implementation of such changes, of any changes to the dollar amounts of copayments, deductibles or other cost-sharing plan design features that are inconsistent with any dollar limits on copayments, deductibles or other cost-sharing plan design features that are specifically included in the body of that collective bargaining

Hon. Donna D. Holaday
Mayor of Newburyport
April 4, 2017
Page 5

agreement or section 19 agreement, **until the initial term stated in that collective bargaining agreement or section 19 agreement has ended.**"

Clearly, the enabling legislation infers that any collective bargaining agreement or Section 19 agreement must have an initial defined term and certainly does not envision an agreement "without a term" that would continue in perpetuity. Based upon the above, in my opinion, a PEC agreement with no defined term that goes forward in perpetuity would be unenforceable. Rather, in my opinion, because the agreement has been updated several times to provide changes for the next fiscal year, these revisions should be viewed as creating a series of one year extensions with the most recent extension set to expire on June 30, 2017. Consequently, in my opinion, if the healthcare reform laws were utilized under Sections 21-23 and the process completed, changes could be implemented after the most recent extension of the PEC Agreement expires on June 30, 2017 (although the healthcare reform process would also need to be completed before any changes are implemented).

Please contact me with any further questions. Thank you.

Very truly yours,



Darren R. Klein

DRK/jmp
cc: City Council
579477/NBPT/0001

**APPOINTMENTS
FIRST READING**



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

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: March 24, 2017
Subject: Appointment

Donna D. Holaday

I hereby appoint, subject to your approval, the following named individual as a member of the Waterfront Trust to fulfill the unexpired term of Joseph Brown. This term will expire on December 31, 2017.

Sean Bradley
31 Wildwood Drive
Newburyport, MA 01950

SEAN BRADLEY, CPA, MST
31 Wildwood Drive
Newburyport, MA 01950
(978) 518-6753

WORK EXPERIENCE

2013-Present Principal, Bradley Strategies

Amesbury, MA

Providing consulting services in the areas of taxation and employee benefits including:

- Income tax planning services for multistate businesses and owners
- Preparation of income tax returns for individuals, corporations, partnerships, estates and trusts
- Provide tax consulting services for income tax, payroll tax and sales/use tax
- Fractional CFO services including financial analysis and budget preparation
- Development of Affordable Care Act compliance strategies
- Preparation of forms required under the Affordable Care Act and distribute them to employees and file them with the IRS
- Development and drafting of company policies in select areas of taxation and employee benefits

2000- 2013

Senior Vice President of Taxation, Benefits

Administration and Risk Management

Randstad North America LP

Woburn, MA

Responsible for oversight of entire tax function in the United States for a \$4 billion Human Resource Consulting and Staffing business including:

- Oversight of department of 13 including tax director and 2 tax managers
- Oversight of preparation of corporate income, partnership (including K-1's), sales/use, multi-state payroll tax, and property tax returns, foreign bank account reporting, plus business licenses. For the 2012 tax year, the department prepared approximately 250 federal and state corporate income tax and partnership returns
- Tax provision preparation on a quarterly and annual basis under IFRS rules
- Responsible for tax department compliance with The Tabaksblat code (Dutch version of SOX)
- Planning, budgeting and forecasting for corporate income tax, payroll tax and other non-income based taxes
- Working with Netherlands based parent company tax department on global tax planning including transfer pricing and intercompany financing. Worked on acquisition and tax structuring of Canadian businesses and subsidiaries in Brazil.
- Structuring of US based acquisitions and reorganizations including \$770 million acquisition of SFN Group, Inc. in 2011 and \$400 million acquisition of Vedior NA in 2008
- Responsible for the preparation and representation for examinations of Randstad by various tax authorities

- Administration of "off-shore" captive insurance program for workers compensation and medical malpractice insurance
- Project leader for the Affordable Care Act response including determining the impact and strategy for compliance

Responsible for risk management function for the \$2 billion Randstad Professionals United States based business including:

- Leading negotiations for insurance renewals for the entire Randstad business in the United States
- Administer claims for all lines of insurance including property, workers compensation, medical malpractice, crime and errors and omissions
- Work with parent company risk management department in The Netherlands
- Oversee a staff of three including the risk senior manager

Responsible for oversight of the benefits administration department for the Randstad Professionals United States business with 20,000 eligible employees annually including:

- Administration of self-insured health insurance program, with claims volume of over \$50 million
- Administration of welfare benefits
- Administration of retirement plans with over \$200 million in assets. Initiated automatic enrollment and automatic contribution increase in 2012 to reduce impact of discrimination testing challenges
- Due to the SFN acquisition in 2011 and other smaller acquisitions; harmonized five separate benefit programs into a single comprehensive benefits program for 2012
- Oversight of department consisting of 11 staff including director of benefits and two senior managers

2002-2005	Vice President of Taxation, Risk Management and Benefits Administration Randstad North America LP	
2000-2002	Director of Taxation Randstad North America LP	
1994-2000	Director of Taxation Applied Extrusion Technologies, Inc.	Peabody, MA Responsible for all aspects of the tax function of publicly held manufacturer of plastic film used in the packaging of snack foods. Key projects include the \$45 million sale leaseback of a manufacturing facility. Also responsible for the administration of Employee Stock Purchase Plan, stock option plans and Executive Deferred Compensation Plan.
1991-1994	Corporate Tax Manager ChemDesign Corporation	Fitchburg, MA
1988-1991	Senior Tax Consultant Deloitte & Touche	Boston, MA

EDUCATION

1993	Bentley University Masters of Science in Taxation	Waltham, MA
1982	University of Massachusetts at Lowell Bachelors of Science in Business Administration concentration in Accounting	Lowell, MA

LICENSURE AND CERTIFICATES

1987	Certified Public Accountant Certificate 11,106 Commonwealth of Massachusetts
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MEMBERSHIPS

1987-Present	Member, Massachusetts Society of CPA's
2016-Present	Member, Business Networking International
2017-Present	Treasurer, Pennies for Poverty 2 Cents 4 Change, Inc.

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

COMMUNICATIONS

4/3/17

Dear President and members of City Council,

We are Olivia Gustafson and Mary Cummings, responding to your request for additional information on our research project. We are studying how to be activists in our community and we are researching cocoa bean labor and slavery. We would like to set up a public service table on the Market Sq. and give the community information on our topic. We would like to set up our table sometime during April vacation which is from the fifteenth to the twenty-second. IF you need to contact either of us either: Mary Cummings: 978-992-1670 or MaryCummings909@aol.com, Olivia Gustafson: 978-518-2998 or 0990stafson@gmail.com. Thank You!

Sincerely,
Mary Cummings and Olivia Gustafson

Dates would be:
Tuesday the 18th or Friday the 21st

**APPOINTMENTS
SECOND READING**

SECOND READING APPOINTMENTS

- APPT029_03_28_17 James McCarthy 17 Russia St Community Pres Act Comm 5/1/2020

Re-Appointments

- APPT030_03_28_17 Robert Uhlig 10 Ocean St NRA 4/1/2018

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

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

April 10, 2017

THAT THE CITY COUNCIL OF THE CITY OF NEWBURYPORT hereby establishes the complete streets design and build program as the policy of the City of Newburyport. Said policy shall be used as the new design standards for all future projects within the City of Newburyport and is defined in the attached exhibit 'A'.

Councillor Barry N. Connell



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

The Complete Streets Policy for the City of Newburyport October 3, 2016

The citizens of Newburyport completely support the Complete Streets Design and Build Program and have developed this policy that shall be used as our new design standards for all future projects.

Our Vision:

Our vision as a community is to always design and build the best infrastructure that will enable safe access for all users, with a particular focus on vulnerable road users. The primary concentration will take into account the walker, the bicyclist and the public transit commuter at the same time balance a safe approach to deal with the driver. The driver has dominated our City for many years and we as a community has just started over the recent years to focus on a user shared approach to make our City safer for everyone of all ages and all abilities.

Newburyport's Complete Streets Policy will ensure that it will be easier to cross the street, walk to shops, bicycle to work and prioritize transit. A Complete Streets Policy will develop design tools that shall make it safer and possible for children to walk or bike to school or a park, for seniors to continue to have an active lifestyle and everyone off all ages to feel comfortable conversing around our great City. We will also include in our policy, the needs of commercial vehicle, public service vehicles and emergency vehicles to facilitate their safe movement through Newburyport.

Our Commitment:

The City of Newburyport is completely committed to designing, constructing, maintaining and operating our City streets and properties to provide for a comprehensive and integrated street network of facilities for people of all ages and abilities with a commitment to the principles of a Complete Streets Design.

Our Projects and Phases:

The Complete Streets tools, methodology and principles shall be incorporated into all publicly and privately funded projects on public roadway and properties. This includes transportation infrastructure and street design projects required funding or approval by the city, as well as projects funded by the state government, federal governments and private entities. The Complete Streets Policy will also be incorporated into our major roadway repairs and upgrades or any expansion projects.

We shall also encourage the Planning Board to consider our Complete Streets Policy into all projects and streets within a privately owned development.

Our Design Process:

When designing a Complete Streets project, we will collaborate with all stakeholders. These stakeholders may include, but not limited to neighborhood groups, individual residents, the Planning Department, Police Department, Fire Department, Traffic Safety Advisory Committee, Newburyport Commission on Disability, and when required any state agency with direct interest on the proposed project. Projects will be undertaken in a context sensitive manner in which designs are developed with input from the above stakeholders with a focus on safety, community goals, and policies.

The most up-to-date design standards and guidance will be used to offer options when preparing a Complete Streets design plans. Some of these resources that will be used include;

1. The U.S. Department of Transportation Federal Highway Administration's Manual on Uniform Traffic Control Devices
2. Federal Americans with Disabilities Act (ADA) Standards
3. The National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guide
4. The National Association of City Transportation Officials (NACTO) Urban Street Design Guide.
5. MassDOT Project Design and Development Guidebook
6. MassDOT Separated Bike Lane Planning and Design Guide
7. The Architectural Access Board (AAB) 521 CMR Rules and Regulations
8. The City of Newburyport Safe Routes to School Program (currently still in development)

Our Network Approach:

We will attempt to choose projects that will connect important destinations, for example;

- A school to a park
- A park to a rail trail
- A rail trail to our vibrant downtown
- Our downtown to the riverfront

Looking at our long-term goals and objectives will help us prioritize projects and may help us close the loop on a smaller inexpensive connection that would in fact connect two smaller facilities to make a network of different types of Complete Streets Designs into one.

Our Jurisdictional Relationships:

When appropriate Newburyport will collaborate with MassDOT, DCR and other state entities, as well as MBTA and MVRTA to incorporate our Complete Streets Policy into state-owned roadways within the City. We will welcome their comments on all projects that may affect their operational requirements.

Our Exceptions:

The exceptions to our Complete Streets Policy may be granted by the DPS Director or DPS Deputy Director, in consultation with the Planning Department, Police Department, Fire Department, Traffic Safety Advisory Committee and Newburyport Commission on Disability, in limited circumstances where the cost of impacts of accommodation is excessively disproportionate to the need of probable use.

Exception request will be submitted to the Mayor by the DPS Director or Deputy Director for final approval.

Our Implementation Steps:

The City of Newburyport's Complete Streets Program will be overseen jointly by the Department of Public Services (DPS) and the Planning Department. DPS will be the lead on public infrastructure projects, while the Planning Department will oversee any private development projects. Both departments will comment on both private and public projects with the department listed above being the lead.

The lead department will be responsible for ensuring the implementation of the Complete Streets Policy. Both departments will work together to develop criteria for measuring the effectiveness of the program, for example;

- Linear feet of sidewalks reconstructed or installed
- Miles of new bicycle facilities installed on-street and off-street
- Track declining crash rates

Both the DPS and the Planning Departments has and will continue to collaborate on designing a safe, practical and adaptable environment for all users, and now with this new Complete Streets Policy, we will have guidance to ensure the best design for all stakeholders.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

April 10, 2017

THAT the City Council of the City of Newburyport approves the extension through June 30, 2018 of the attached Intermunicipal Agreement between the Town of West Newbury and the City of Newburyport for Shared Animal Control Services.

Councillor Vogel
License & Permits Chairperson



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

To: President and Members of the City Council
From: Patricia Moore, Chief Administrative Officer *Patricia Moore*
Date: April 10, 2017
Subject: Intermunicipal Agreement Renewal with West Newbury for Animal Control Services

Attached for your approval is the Intermunicipal agreement with the Town of West Newbury for animal control services. Last year, the Council renewed the agreement through the end of Fiscal Year 2017 and we are now seeking approval for another year through Fiscal Year 2018.

As you may recall, West Newbury pays the City \$20,000 annually for the service and provides a vehicle for the Animal Control officer which, at the City Council's request last year, was inspected and deemed to be in excellent working order. We have performed general maintenance on the vehicle since then and the vehicle continues to be in good condition.

A review of the Animal Control Officer's daily logs indicates that, like last year, the vast majority of effort is being expended for the City of Newburyport. I have also attached the YTD FY17 log of violations and fines provided by the Health Department for both Newburyport and West Newbury.

Please contact Frank Giacalone if you require any additional information regarding this information or arrangement.

Cc: Frank Giacalone
Patricia McAlarney

FY2017 - Animal Control Fines Issued in Newburyport

City of Residence	Date of Violation	Time of Violation	Sum of Fees	Shelter Fees	Pick Up Fees	Failure to Restrain	No License or No Tags
Newburyport, MA	7/12/2016	11:55 AM	\$50.00			\$50.00	waived
Newburyport, MA	7/13/2016	7:45 AM	\$50.00				\$50.00
W. Newbury, MA	7/18/2016	10:05 AM	\$50.00			\$50.00	
Sabattus ME	7/22/2016	3:20 PM	\$50.00				\$50.00
Newburyport, MA	7/29/2016	1:10 PM	\$100.00			\$50.00	\$50.00
Newburyport, MA	8/2/2016	9:00 AM	\$100.00			\$50.00	\$50.00
Newburyport, MA	8/3/2016	7:20 AM	\$100.00			\$50.00	\$50.00
Newburyport, MA	8/9/2016	7:25 AM	\$50.00			\$50.00	
Pais	8/12/2016	1:50 PM	\$75.00	\$35.00	\$40.00		
Newburyport, MA	8/15/2016	7:25 AM	\$100.00			\$50.00	\$50.00
Newburyport, MA	8/16/2016	7:35 AM	\$100.00			\$50.00	\$50.00
Newburyport, MA	8/18/2016	6:20 AM	\$100.00			\$50.00	\$50.00
Newburyport, MA	8/20/2016	10:45 AM	\$125.00	\$35.00	\$40.00		\$50.00
Newburyport, MA	8/24/2016	10:00 PM	\$85.00	\$35.00	\$50.00		
Newburyport, MA	8/28/2016	3:05 PM	\$50.00			\$50.00	
Newburyport, MA	8/28/2016	3:24 PM	\$50.00			\$50.00	
Newburyport, MA	8/29/2016	8:20 AM	\$100.00			\$50.00	\$50.00
Newburyport, MA	8/29/2016	8:10 AM	\$50.00			\$50.00	
Newburyport, MA	8/31/2016	7:19 AM	\$50.00				\$50.00
Newburyport, MA	9/2/2016	12:45PM	\$100.00			\$50.00	\$50.00
Newburyport, MA	9/8/2016	12:00 PM	\$75.00	\$35.00	\$40.00		
Newburyport, MA	9/25/2016	12:48 PM	\$135.00	\$35.00	\$50.00	\$50.00	
Hampton, NH	10/26/2016	11:45 PM	\$75.00	\$35.00	\$40.00		
Newburyport, MA	12/9/2016	9:30 PM	\$75.00	\$35.00	\$40.00		
Newburyport, MA	1/25/2017	7:45 AM	\$70.00	\$70.00			
Newburyport, MA	2/18/2017	2:15 PM	\$70.00	\$85.00		35	50
Watertown, MA	3/10/2017	12:15 PM	\$75.00	\$35.00	\$40.00		
			\$2,110.00	\$435.00	\$340.00	\$785.00	\$650.00

FY2017 - ACO FEES RECEIVED FROM OTHER COMMUNITIES

City of Residence	Date of Violation	Time of Violation	Sum of Fees	Non-NBPT Shelter Use?
W. Newbury, MA	7/18/2016	10:05 AM	\$50.00	\$50.00
Amesbury, MA	7/19/2016	12:15 PM	\$35.00	\$35.00
Amesbury, MA	7/22/2016	11:45 AM	\$35.00	\$35.00
Salisbury, MA	7/25/2016	8:45 AM	\$35.00	\$35.00
Salisbury, MA	8/13/2016	11:30 PM	\$35.00	\$35.00
Salisbury, MA	8/26/2016	3:00 AM	\$35.00	\$35.00
Danville, NH	9/21/2016	3:40 PM	\$35.00	\$35.00
Amesbury, MA	9/22/2016	7:00 PM	\$35.00	\$35.00
Amesbury, MA	10/11/2016	4:02 PM	\$35.00	\$35.00
Salisbury, MA	10/13/2016	2:45 PM	\$35.00	\$35.00
Amesbury, MA	10/24/2016	1:08 PM	\$35.00	\$35.00
Amesbury, MA	11/23/2016	12:00 PM	\$35.00	\$35.00
Loeminster, MA	2/3/2017	12:00 PM	\$35.00	\$35.00
Amesbury, MA	2/17/2017	4:45 PM	\$35.00	\$35.00
Amesbury, MA	3/24/2017	1:00 PM	\$35.00	\$35.00
Amesbury, MA	7/7/2016	8:30PM	\$70.00	\$70.00
Salisbury, MA	7/16/2016	6:48 PM	\$70.00	\$70.00
Amesbury, MA	9/30/2016	8:00 PM	\$70.00	\$70.00
Amesbury, MA	10/7/2016	12:00 PM	\$70.00	\$70.00
Amesbury, MA	2/19/2017	6:30 PM	\$70.00	\$70.00
Malden, MA	12/5/2016	4:30 PM	\$200.00	\$200.00
			\$1,090.00	\$1,090.00

**CITY OF NEWBURYPORT AND
TOWN OF WEST NEWBURY
INTERMUNICIPAL AGREEMENT FOR THE ADMINISTRATION OF SHARED
ANIMAL CONTROL SERVICES**

Article 1. Purpose

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

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

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

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

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

Article 2. Definitions

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

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

Article 3. Term

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

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

Article 4. Lead City

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

Article 5. Funding Contribution

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

Article 6 Financial Safeguards

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

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

Article 7 Hours of Services and Service Requirements

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

Article 8 Vehicle Usage

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

Article 9 Fines

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

Article 10 Indemnification

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

Article 11 Operation of Animal Shelter Facilities

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

I. OPERATIONS:

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

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

II. FEES:

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

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

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

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

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

IV. DISCHARGE:

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

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

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

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

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

Article 12 Dangerous or Nuisance Dogs

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

Article 13 Miscellaneous

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

TOWN OF WEST NEWBURY
By Board of Selectmen

CITY OF NEWBURYPORT
By City Council

Dated: _____

Dated: _____

ORDINANCES

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

APRIL 10, 2017

A ZONING ORDINANCE REGARDING SUBSTANTIAL HARDSHIP FOR VARIANCES

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

Amend existing Section X-H.6.D. as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

D. The following circumstances may be construed as establishing a basis for determining that a hardship exists within the meaning of this section: Where by reason of exceptional narrowness, shallowness or unusual shape of a specific site at the time of the effective date of this chapter or to which this is amended, or by reason of exceptional topographic conditions or other extraordinary and exceptional physical situations or condition of such site of property, the literal enforcement of the requirements of this chapter pertaining to yards or other space relationships or total land area would result in exceptional practical difficulties or exceptional and undue hardship upon the owner of such property.

~~1. Where by reason of exceptional narrowness, shallowness or unusual shape of a specific site at the time of the effective date of this chapter or to which this is amended, or by reason of exceptional topographic conditions or other extraordinary and exceptional physical situations or condition of such site of property, the literal enforcement of the requirements of this chapter pertaining to yards or other space relationships or total land area would result in exceptional practical difficulties or exceptional and undue hardship upon the owner of such property.~~

~~2. In the case of corner lots where on all other corners of the intersection there are buildings or uses that do not conform to the regulations prescribed by this chapter for the district in which said lot is located and where said lot faces one (1) or more of said other uses, or in the case of an interior lot there are buildings on the lots which adjoin it on both sides or on the lot which adjoins it on one (1) side plus the lot which adjoins it on the rear and the lot or lots which immediately face it across the street, which buildings do not conform to the regulations prescribed by this chapter for the district in which the said lot is located.~~

Councillor Jared J. Eigerman

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

APRIL 10, 2017

A ZONING ORDINANCE REGARDING ADMINISTRATION AND ENFORCEMENT OF THE ZONING ORDINANCE

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

This ordinance shall take effect on January 1, 2018.

Amend the existing sixth (6th) paragraph of Section III-E as follows, with deletions ~~double-stricken through~~, and additions double-underlined:

Wherever any uncertainty exists beyond the preceding provisions of this section as to the exact location of a boundary line, the location of such line shall be determined by the ~~inspector of buildings~~zoning administrator.

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

X-B - Administrative officials.

The ~~duties~~ies of administering and enforcing the provisions of this ordinance ~~is~~are hereby conferred upon the inspector of buildings and the zoning administrator, who shall have such powers as are conferred upon ~~him~~them by this zoning ordinance, and as reasonably may be implied. ~~He shall be appointed as presently specified by the ordinances of the City of Newburyport.~~ At the first regular meeting of the city council in January, the mayor shall appoint and the city council shall confirm someone to hold office as the zoning administrator for the City of Newburyport. The zoning administrator shall hold office for one (1) year unless sooner removed by the mayor and city council. Among his or her other duties, the zoning administrator shall assist the city council in all matters pertaining to the purpose and intent of this zoning ordinance.

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

X-C - Duties of the inspector of buildings and of the zoning administrator.

1. *[Generally.]* It shall be the duty of the inspector of buildings, or his duly authorized agents, to cause any plans, buildings, or premises to be examined or inspected to determine that they are not in violation of provisions of this ordinance. The zoning administrator shall have the independent authority and duty to cause any plans, buildings, or premises to be examined or inspected to determinate that they are not in violation of provisions of this ordinance. In the case of any disagreement between the inspector of buildings and the zoning administrator regarding an interpretation of this ordinance, the zoning administrator's decision shall control.
2. *Violations.* Where the inspector of buildings, in the course of his duties, determines that any plans, buildings, or premises are in violation of the provisions of this ordinance, he shall so inform the zoning administrator. In such case, or if the zoning administrator in the course of his or her duties determines that any plans, buildings, or premises are in violation of the provisions of this ordinance, the zoning administrator shall order the responsible party in writing to remedy such conditions. Said written order shall specify the nature of the violation found to exist, the remedy ordered, the time permitted for such action, and the penalties and remedies which may be invoked by the city, and the violator's right of appeal; all as provided for by this ordinance.

On the serving of notice by the ~~inspector of buildings~~ zoning administrator to the owner for any violation of any provisions of this ordinance, the certificate of occupancy shall be required for any further use of such building or premises.

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

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

4. *Enforcement and monthly reports.* If the ~~inspector of buildings~~ zoning administrator is requested in writing to enforce this ordinance against any person allegedly in violation of same, and the ~~inspector of buildings~~ zoning administrator declines to act, he shall notify, in writing, the party requesting such *enforcement* of any action or refusal to act, and the reasons therefor, within fourteen (14) days after such receipt.

The inspector of buildings and the zoning administrator shall each prepare a monthly report for the city council. Said report shall cite all actions taken by ~~the inspector of buildings~~ such official, including all referrals made by him, all permits and certificates issued and denied; and all

complaints of violations received, and all violations found by him, and the action taken by him consequent thereon. A copy of this monthly report shall also be transmitted by ~~the inspector of buildings~~ such officer to the board of assessors, planning board, and board of appeals at the same time it is transmitted to the city council.

Amend the existing fifth (5th) paragraph Section X-D as follows, with deletions ~~double-stricken through~~, and additions double-underlined:

Applications for certificates of occupancy and compliance shall be filed after construction is substantially complete and prior to occupancy. A certificate of occupancy shall be issued or refused in writing for cause within five (5) days after the inspector of buildings has been notified in writing by registered mail that the erection or alteration of such buildings has been completed. Failure of the inspector of buildings to act within five (5) business days of receipt of said notification shall be deemed to constitute approval of the application for a certificate of occupancy, provided, however, that such deemed approval shall be possible solely to prevent undue administrative delay, and such deemed approval shall never occur unless the relevant certificate of occupancy complies in all respects with the fourth paragraph of this Section X-D, above. Buildings accessory to dwellings when completed at the same time shall not require a separate certificate of occupancy. Pending the issuance of a regular certificate, a temporary certificate may be issued for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building, pending its completion. No temporary certificate shall be issued prior to its completion if the building fails to conform to the provisions of the building code and state laws or of this ordinance to such a degree as to render it unsafe for the occupancy proposed.

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

X-F - Violations.

If the inspector of buildings or the zoning administrator shall be informed, or have reason to believe, that any provision of this ordinance has been, is being or may be violated, ~~he~~ the zoning administrator shall make or cause to be made an investigation of the facts and inspect the property where the violation may exist. If he shall find any such violation, he shall serve a notice of violation and order to any owner or person responsible for such violation of any approved plan, information or drawing pertinent thereto, or in violation of a permit or certificate issued under the provisions of this ordinance, and such order shall direct the discontinuance of the unlawful action, use or condition and the abatement of the violation within a time to be specified by the ~~inspector of buildings~~ zoning administrator. Any owner, who having been served with a notice, and who ceases any work or other activity, shall not leave any structure or lot in such conditions as to be a hazard or menace to the public safety, health, or general welfare.

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

X-G - Prosecution of violations.

If the notice of violation and order is not complied with promptly, the ~~inspector of buildings~~zoning administrator shall institute the appropriate action or proceeding at law or in equity to prevent any unlawful action, use or condition and to restrain, correct or abate such violation. Penalties for violations may, upon conviction, be affixed in an amount not to exceed three hundred dollars (\$300.00) for each offense. Each day, or portion of a day, that any violation is allowed to continue shall constitute a separate offense.

Amend existing Section X-H.5 as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

5. *Appeals. [Appeals arising under the enforcement of this ordinance shall be as follows:]*
- A. Any person as defined by M.G.L.A. c. 40A, § 8, aggrieved by reason of his inability to obtain a permit from the inspector of buildings under the provisions of this ordinance or by order or decision of the ~~inspector of buildings~~zoning administrator may take an appeal to the zoning board of appeals.
 - B. Appeals pursuant to M.G.L.A. c. 40A, § 8 shall be taken within thirty (30) days from the date of the order or decision which is being appealed by filing a notice of appeal, specifying the grounds thereof, with the city clerk, who shall forthwith transmit copies thereof to such officer whose order or decision is being appealed, and to the zoning board of appeals. The ~~inspector of buildings~~zoning administrator shall forthwith transmit to the zoning board of appeals all documents and papers constituting the record of the case in which the appeal is taken.
 - C. Meeting of the zoning board of appeals shall be held at the call of the chairman or when called in such other manner as the zoning board of appeals shall determine in its rules. The zoning board of appeals shall hold a hearing on any appeal, application or petition. The zoning board of appeals shall cause notice of such hearing to be published and sent to parties in interest as provided for in section X-J, public hearings, herein and shall notify the planning board of Newburyport and the planning boards of adjacent cities and towns which may forward recommendations with respect to said matter for the consideration of the zoning board of appeals. The chairman, or in his absence the acting chairman, may administer oaths, summon witnesses, and call for the production of papers, in his reasonable discretion. It the intent of the city council that the zoning board of appeals require testimony in such matters to be given under the penalty of perjury. A vote of four (4) members of the zoning board of appeals shall be necessary to reverse any order or decision of the ~~inspector of buildings~~zoning administrator under this ordinance.

Amend existing Section XI-J as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

XI-J - Conformance to performance standards.

An application for a building permit and/or certificate of occupancy for an industrial use in any district believed by the building inspector to be potentially in conflict with the performance standards shall be accompanied by a plan in triplicate of the proposed construction or development, including a description of the proposed machinery operations and products and specifications for the mechanisms and techniques to be used in restricting the emission of dangerous and objectionable elements. One (1) copy of said plans and descriptions shall be filed with the building inspector, one (1) with the zoning administrator, one (1) with the planning board and one (1) with the city council. The fee for such applications shall include the cost of the special reports required herein.

The city council, with the advice of the planning board and the ~~building inspector~~zoning administrator, when there is likelihood of reasonable doubt as to conformance, shall refer the application to one (1) or more expert consultants who shall return a report with their findings within thirty (30) days. A copy of such report will be furnished to the applicant.

Amend existing Section XXIII-B.d as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

- d. The owners of the properties to be accessed by the court or lane must provide evidence to the ~~building commissioner~~zoning administrator that they have rights, either by deed or easement, to the court or lane. If access is by easement, the easement shall be recorded by the Essex County Registry of Deeds within ninety (90) days of endorsement by the planning board or within seven (7) days prior to commencement of construction. The recorded easement shall include the following:

...

Amend existing Section XXVII-E as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

XXVII-E - Exclusions.

Consistent with the city's intent for the DOD under subsection XXVII-A, a DOD-SP shall not be required for any of the following categories of work, which are hereby excluded from review by the SPGA under this section, upon a written determination by the zoning administrator:

...

Before determining whether exclusions 1, 2, 3 and/or 8 apply, the ~~building commissioner~~zoning administrator shall consult with the office of planning and development. All decisions by the ~~building commissioner~~zoning administrator under this subsection regarding exclusions are expressly made subject to appeal to the zoning board of appeals pursuant to subsection X-H.5

Amend existing Section XXVII-G as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

XXVII-G – Historic Masonry.

Notwithstanding anything in the Newburyport Code to the contrary, within the DOD the maintenance, repair and/or replacement of historic masonry shall be subject to all of the following requirements, which shall be administered and enforced by the building commissioner and the zoning administrator pursuant to section X.

...

- 3. Deteriorated mortar of historic masonry shall be carefully removed by hand-raking the joints, although the ~~SPGA~~the zoning administrator shall review and may approve on a case-by-case basis the use of mechanical saws, provided, however, that such use shall adhere to any relevant provisions of the United States Secretary of the Interior's "Standards for the Treatment of Historic Properties With Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings," as they may be amended from time to time, including all related guidelines, bulletins and other official guidance promulgated by the National Park Service (Secretary's Standards).

...

Amend existing Section XXVII-H as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

XXVII-H – Protection of unoccupied historic buildings and structures.

For the limited purpose of preventing the acceleration of decay of unoccupied historic buildings and structures within the DOD, the owner of any such building or structure shall ensure that it is reasonably secure from significant damage due to weather, fire, trespass, or vandalism, including by: securing all doors, windows and other exterior openings; employing effective waterproofing of exterior walls, roofs (including chimneys), and foundations; and protecting against fire or water damage. The ~~building commissioner~~zoning administrator, upon his or her own initiative, in response to a filed written request for enforcement of this section, or at the request of the SPGA, shall enforce this subsection consistent with section X.

Amend existing Section XXVIII-F as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

XXVIII-F – Protection of unoccupied historic buildings and structures.

For the limited purpose of preventing the acceleration of decay of unoccupied historic buildings and structures within the DCOD, the owner of any such building or structure shall ensure that it is reasonably secure from significant damage due to weather, fire, trespass, or vandalism, including by: securing all doors, windows and other exterior openings; employing effective waterproofing of exterior walls, roofs (including chimneys), and foundations; and protecting against fire or water damage. The ~~building commissioner~~zoning administrator, upon his or her own initiative, in

response to a filed written request for enforcement of this section, or at the request of the SPGA, shall enforce this subsection consistent with section X.

Councillor Jared J. Eigerman

The City of Somerville, Massachusetts is a vibrant urban community that has been a leader in innovative planning. Somerville is updating the City's zoning ordinance to reflect national best practices and implement the 2012 SomerVision comprehensive plan. The City recently introduced an on-line permit review system to coordinate development project review. Somerville is now seeking a "Zoning Review Planner" to work with the Director of the Inspectional Services Division (ISD) and the Director of Planning to ensure that new development is consistent with the Somerville Zoning Ordinance.

This Zoning Review Planner will work with both the ISD and Planning teams to undertake professional and technical work in planning, including project review, plan review for zoning consistency, site inspections for consistency with zoning approvals and special permit approvals. The Zoning Review planner also participates in development review, provides input into zoning amendments and serves as a liaison between the ISD building inspectors and the OSPCD planners to ensure streamlined review of development projects and consistent and fair application of the zoning ordinance.

This position:

- Serves as the primary designee of the Inspectional Services Commissioner for all compliance with the Somerville Zoning Ordinance.
- Conducts reviews of project plans for consistency with the Zoning Ordinance
- Researches and analyzes data
- Manages events/initiatives relating to zoning and development.
- Reviews plans going before the Planning Board, Zoning Board of Appeals (ZBA), and/or Conservation Commission
- Reviews projects during construction and upon completion, for compliance with ZBA and Planning Board conditions
- Prepares zoning opinions for ISD.
- Serve as liaison between the Planning Division and ISD at OSPCD.
- Develops and recommends by-law and ordinance amendments
- Provides information to public regarding City ordinances, state laws and regulations
- Provides professional and technical administrative approval on City processes, in accordance with local and state regulations.

The ideal candidate will have a College Degree and three (3) years experience; or any equivalent combination of education, training and experience which provides the required knowledge, skills and abilities to perform the essential functions of the job. A Master's degree in Planning or a related field preferred. Knowledge of planning, conservation, preservation, economic development, transportation and infrastructure is required. The applicant must have an ability to communicate effectively orally and in writing with state and federal agencies, architects, contractors, developers, owners, supervisors, employees, and the general public. Skill in facilitating and in public presentations is required.

This is a full-time 40 hour per week position with a starting salary of \$51,709 per year; paid weekly \$994.40; plus benefits.

To apply, send a resume along with a cover letter by August 25, 2014, to:

City Hall Personnel Office

93 Highland Avenue

Somerville MA 02143

Fax: 617-666-4426

TTY: 1-866-808-4851

Email: personnel@cityofsomerville.com

THE CITY OF SOMERVILLE IS AN AFFIRMATIVE ACTION/EQUAL OPPORTUNITY EMPLOYER. WOMEN, MINORITIES, VETERANS AND PERSONS WITH DISABILITIES ARE ENCOURAGED TO APPLY. CITY OF SOMERVILLE RESIDENTS ARE ESPECIALLY ENCOURAGED TO APPLY.

COMMITTEE ITEMS

BUDGET & FINANCE COMMITTEE ITEMS

1. **TRAN009-03-28-17** - Mult Accnts \$1,578,044 to Mult Accnts \$1,578,044 (w/ COW).
2. **TRAN010-03-28-17** – Free Cash \$18,162 Clean River Project \$18,162.
3. **TRAN011-03-28-17** – DPS Gas \$30,000 to Fuel/Oil \$30,000.
4. **ORDR014_03_28_17** – Excess Bonds Proceeds Transfer.



City of Newburyport

FY 2017

BUDGET TRANSFER REQUEST

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor **Date Submitted:** 3/28/2017

Transfer From:

Account Name	<u>Multiple Accounts (see attached)</u>	YTD Bal:	<u>\$ -</u>
Account Number:	<u>See attached</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$1,578,044.24</u>	Trans Out:	<u>\$ -</u>
Why are Funds Available:	<u>See attached spreadsheet.</u>		

Transfer To:

Account Name	<u>Multiple Accounts (see attached)</u>	YTD Bal:	<u>\$ -</u>
Account Number:	<u>See attached</u>	Category:	<u>\$ -</u>
Amount:	<u>\$1,578,044.24</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Required:	<u>See attached spreadsheet.</u>		

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

Donna D. Holaday
Ethan R. Manning

Date: 3/21/17
 Date: 3/21/17

**Transfer Requests to Fund FY2017 Capital and Reserves
March 28, 2017**

Transfer From:

Transfer To:

Account Name	Account Number	Amount	Account Name	Account Number	Amount
General Fund - Free Cash	01-35910	\$1,294,000.00	Compensated Absences Fund	8270-49700	\$250,000.00
			Sidewalk Improvements	New	\$60,000.00
			2 Ton Dump Truck w/ Plow	New	\$55,000.00
			Nock-Parking Lot Repairs and Repaving	New	\$300,000.00
			Nock-Elevator Controls Modernization	New	\$140,000.00
			Multipurpose Tractor	New	\$35,000.00
			3/4 Pickup Truck w/ Plow	New	\$43,000.00
			1 1/2 Ton Dump Truck w/ Plow	New	\$85,000.00
			Replace/Update Radio Equipment	New	\$100,000.00
			Communications System	New	\$88,500.00
			IT Hardware	New	\$52,500.00
			High School Fire Alarm Panel Replace.	New	\$60,000.00
			Nock-Furniture Replacement	New	\$25,000.00
1st Floor Men's Bathroom Renov	3500-59600	\$684.73	Capital Stabilization Fund	8268-49700	\$84,044.24
Tree Brush Chipper	3502-59600	\$7,005.00			
3/4 Ton Pickup Truck w/ Plow	3503-59600	\$6,843.85			
Boom Truck Certification	3607-59600	\$1,676.66			
Front End Loader w/ Backhoe	3609-59600	\$64,839.00			
Biter Bucket	3611-59600	\$2,992.00			
3/4 Ton Pickup Truck w/ Plow	3615-59600	\$3.00			
Rev Electrical Inspections	2806-59600	\$150,000.00	Stabilization Trust Fund	8263-49700	\$150,000.00
Rev Transient Vendors	2807-59600	\$25,000.00	OPEB Trust Fund	8280-49700	\$25,000.00
RRFA Cemetery Receipts	2721-59600	\$25,000.00	Landscaping Equipment	New	\$25,000.00
Total		\$1,578,044.24	Total		\$1,578,044.24

009-03-28



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

Donna D. Holaday

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: March 21, 2017
Subject: Transfer Requests to Fund FY17 Capital and Reserves

Now that we are likely past major snow events, the City can definitively ascertain what our current financial capacity is to fund this year's Capital Improvement Program (CIP). Over the past several weeks, I have worked with Department Heads and our Finance Team to identify priority capital expenditures that require immediate attention in the months ahead. Based on their feedback and consistent with the FY17 CIP, I am requesting transfers to fund the following projects/accounts:

- Stabilization Trust Fund**
Cost: \$150,000
Rationale: Infusing our Stabilization Trust Fund with free cash will bring us closer to our financial policy target of maintaining 5% of the General Fund budget, increasing the ratio from 4.7% to 4.9%.
- Capital Stabilization Fund**
Cost: \$84,044
Rationale: This transfer closes out seven capital project accounts with residual balances that are no longer needed. This transfer increases the Capital Stabilization Fund balance from \$117,428 to \$201,472.
- Other Post-Employment Benefits (OPEB) Trust Fund**
Cost: \$25,000
Rationale: An annual contribution to the OPEB Trust Fund is recommended as a financial best practice to offset the long-term liability associated with these benefits. This liability is closely monitored by financial rating agencies. This transfer increases the OPEB Trust Fund balance from \$479,543 to \$504,543.
- Compensated Absences Fund**
Cost: \$250,000
Rationale: Upon retirement, employees are paid out unused vacation time as well as contractually obligated benefits such as unused sick leave. We have calculated these

funding obligations for known retirements in FY17 and FY18, and are hopeful that funding this line will carry us through the current and next fiscal year.

- **Groundskeeper/Landscaping Equipment**

Cost: \$25,000

Rationale: Purchase of two stand-behind lawnmowers and three snow blowers. These will replace equipment that is over ten years old. Funded from the Cemetery Receipts Reserved for Appropriation Fund.

- **Sidewalk Improvements**

Cost: \$60,000

Rationale: Additional funding beyond the annual allocation of 50% of annual meals tax receipts to the sidewalk account in the annual operating budget.

- **Purchase of 2 Ton Dump Truck with Plow**

Cost: \$55,000

Rationale: The Parks Department currently uses 2 personal vehicles and one non-dumping trailer to haul material, tow equipment and move 3 work crews to separate sites on a daily basis. Using personal vehicles for hauling and/or towing is a liability for the City and damaging to our staff's vehicles. The truck is a two ton gas powered truck, equipped with a dump body and 8 foot fisher plow.

- **Nock/Molin Parking Lot Repairs and Repaving**

Cost: \$300,000

Rationale: The Nock/Molin parking lot is in extremely poor condition and needs a total replacement. Lighting is also poor in most areas of the parking lot and needs to be improved for safety reasons. The estimated cost comes from quotes provided during the recent renovation project. This project was considered to be included as part of that project, but there was insufficient budget to do so.

- **Nock/Molin Elevator Controls Modernization**

Cost: \$140,000

Rationale: The controls for the elevator are original to the 1972 construction; do not meet current codes and cannot be tied into the fire alarm system in the way that a modern elevator would. After a recent inspection, the state elevator inspector commented that the controller and hydraulic oil tank would need to be replaced in the near future due to age. Further discussions with an elevator professional brought up the point that replacement of the piston should be considered as well. This budget cost approve is to replace the controller and hydraulic tank, call buttons and other hardware and the piston. It also includes an allowance for engineering.

- **Multipurpose Tractor**

Cost: \$35,000

Rationale: The vehicle would replace Truck #24, a 1995 John Deere 855 tractor used throughout the year for mowing and snow clearance on sidewalks.

- **Purchase of ¾ Ton Pickup Truck with Plow**
 Cost: \$43,000
 Rationale: This vehicle will replace a 2000 Chevrolet pickup truck that has high mileage and frame issues. The vehicle has passed its life expectancy and, most likely, will not pass the next yearly Mass State vehicle inspection due to the front end falling off and doors rotting out.
- **Purchase of 1½ Ton Dump Truck with Plow**
 Cost: \$85,000
 Rationale: This truck will replace truck #12 which is a 2001 Chevy C3500. This truck is in very poor condition and must be taken off the road.
- **Replace/Update Radio Equipment**
 Cost: \$100,000
 Rationale: Replaces portable radios for Fire and Police Departments. The current portable police radios are going on 8 years old. They are starting to break down and becoming costly to repair. A bulk public safety procurement is the most cost effective method of purchasing these radios.
- **Communication System**
 Cost: \$88,500
 Rationale: The purpose of this project is to upgrade all networked phone systems that were initially installed in 2011. The scope of work is to upgrade all locations to latest Vertical telephony software releases, replace phone systems' server hardware and add more storage capacity including 5.0 upgrade enhanced feature sets. Currently we are unable to add new manufacturer phone sets to our older systems and software and older phone sets that do still work with existing older systems are hard to find and are increasingly more expensive to purchase. The need to perform this upgrade is also a public safety need as our police and fire communications rely on this platform. The cost of the project also includes support and maintenance for 5 years going forward; similar to the initial installation in 2011.
- **Information Technology Hardware**
 Cost: \$52,500
 Rationale: Replaces 30 computers, 4 networking switches and 2 multifunction large volume copier/scanners. The City's Computer Inventory is being replaced on a 48 month cycle to ensure that equipment is maintained within warranty, performs adequately with sufficient specification to run all required applications as efficiently as possible. The City's networking Switch infrastructure is being replaced on a similar cycle so as to maintain network performance and integrity upon which the server, computer and communications systems rely. Lastly, every year we schedule two of our large volume multifunction copier/scanners to be replaced due to wear and tear. This schedule is working well and serves to maintain an efficient functioning printing environment.

- **High School Fire Alarm Panel Replacement**

Cost: \$60,000

Rationale: The existing fire alarm panel was installed as part of the building renovation/addition in 1999-2002. The panel contains a number of programming chips, some of which are faulty, causing false trouble signals on the panel. The manufacturer no longer supports this particular panel and these programming chips and other parts are not available.

- **Nock/Molin Furniture Replacement**

Cost: \$25,000

Rationale: Much of the office and classroom furniture is old and or "hand me down" furniture in need of replacement. This project would replace the furniture that was not replaced during the renovation project over a series of years. \$25,000 per year would outfit six classrooms per year through FY20.

The projects outlined above represent \$509,044 in reserve appropriations and \$1,069,000 in total capital investments, which leaves us with \$842,489 (including pending transfers) remaining in free cash for FY17. In addition to utilizing free cash, my funding request hereto draws down on other available funding sources as follows:

Funding Source	Amount
Free Cash	\$1,294,000
Electrical Inspections Revolving Fund	\$150,000
Transient Vendor Revolving Fund	\$25,000
Cemetery Receipts Reserved for Appropriation	\$25,000
Unspent Capital Project Balances	\$84,044
Total	\$1,578,044

I look forward to discussing these funding needs in further detail when this request has been referred to the Budget and Finance Committee for their review.



City of Newburyport

FY 2017

BUDGET TRANSFER REQUEST

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor **Date Submitted:** 3/28/2017

Transfer From:

Account Name	<u>General Fund - Free Cash</u>	YTD Bal:	<u>\$ 2,337,094.00</u>
Account Number:	<u>01-35910</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$18,162.66</u>	Trans Out:	<u>\$ (36,908.00)</u>
Why are Funds Available:	<u>The Massachusetts Department of Revenue certified Free Cash for FY2017 at \$2,374,002. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council.</u>		

Transfer To:

Account Name	<u>Clean River Project</u>	YTD Bal:	<u>\$ -</u>
Account Number:	<u>New Account</u>	Category:	<u>\$ -</u>
Amount:	<u>\$18,162.66</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Required:	<u>See attached explanatory memorandum from Mayor Holaday.</u>		

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

Donna D. Holaday
Ethan R. Manning

Date: 3/28/17
 Date: 3/28/17



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

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: March 28, 2017

Subject: Request for Free Cash Transfer for Merrimack River Coalition of the Clean River Project

The Clean River Project was started 13 years ago with a small effort to clean up local sand bars on the Merrimack River that had become unsightly. Since then, the effort has grown and the organization now involves an on-going effort to clean the river and rid it of tons of debris each year. Prior to this year, the organization was funded by private donations from individuals and businesses, small grants and fundraisers.

The organization is now interested in developing a coalition of communities that abut the river and benefit from its provision of water to some and its recreational beauty for all. It is seeking a small annual commitment from each community to help with this effort. I have submitted a Free Cash Transfer Request for the amount of \$18,162.66 for Newburyport's share of this need.

You will each receive a blue folder at your desk on March 28th that will provide information about the organization, its operating costs as well as letter of support from other communities and businesses that benefit from their efforts. The pictures of what they have been able to clean out of the river, and continue to clean out, are compelling.

I am sure you will agree that the beauty and appeal of Newburyport is due largely to our gorgeous river waterfront and Plum Island beaches. The health and cleanliness of these natural resources are critical for the economic success of our City and vital in keeping it an attractive and desirable destination for residents and visitors.

I look forward to further discussions regarding this important project and Newburyport's involvement in helping to protect on of our most important natural resources. Please go to www.cleanriverproject.org for additional information.



City of Newburyport

FY 2017

BUDGET TRANSFER REQUEST

Department: DPS - HIGHWAY

Submitted by: Anthony Furnari, Director

Date Submitted: 3/28/2017

Transfer From:

Account Name	<u>RSV APP - DPS GAS</u>	YTD Bal:	\$	<u>129,579.20</u>
Account Number:	<u>2722-59600</u>	Trans In:	\$	<u>-</u>
Amount:	<u>\$30,000.00</u>	Trans Out:	\$	<u>-</u>
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:	\$	<u>9,213.31</u>
Account Number:	<u>01421004-54801</u>	Trans In:	\$	<u>-</u>
Amount:	<u>\$30,000.00</u>	Trans Out:	\$	<u>-</u>
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>Donna D Holaday</u>	Date:	<u>3/21/17</u>
<u>Ethan R Manning</u>	Date:	<u>3/21/17</u>

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

March 28, 2017

THAT, in accordance with Chapter 44, Section 20 of the General Laws, \$388,188.31, representing the unexpended balance of funds borrowed to pay the costs of the Bresnahan Elementary School Project (the "Bresnahan Project"), which amount is no longer needed to complete such project, is hereby appropriated by this Council to pay additional costs of the Nock/Molin School Project (the "Nock/Molin Project"); and further, that \$564,407.00 representing the final grant amount received by the City from the Massachusetts School Building Authority ("MSBA") for the Bresnahan Project, which amount represents additional unexpended funds borrowed for such project, shall also be transferred to the Nock/Molin Project upon the receipt of the final grant payment from the MSBA for the Bresnahan Project.

Councillor Charles F. Tontar
Chair, Budget & Finance Committee



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

DONNA D. HOLADAY
MAYOR

ETHAN R. MANNING
FINANCE DIRECTOR/CITY AUDITOR

To: President and Members of the Newburyport City Council
From: Ethan R. Manning, Finance Director/City Auditor
Date: March 21, 2017
Subject: Excess Bond Proceeds Transfer

The enclosed order transfers unexpended bond proceeds from the Bresnahan School Project to the Nock/Molin School Project in order to pay down short-term notes coming due on April 21, 2017. The total transfer of \$952,595 represents \$388,188 in unspent bond proceeds, plus the final grant payment of \$564,407, which was approved by the Massachusetts School Building Authority (MSBA) in February.

The MSBA approved the final audit of the Bresnahan School Project on February 15, 2017 and is scheduled to approve the final audit of the Nock/Molin School Project at their next meeting on May 10, 2017. Nearly four years after breaking ground, this transfer of excess bond process allows the City to close the books on these two major construction projects, and moreover, allows the City to reduce its borrowing need by \$952,595, resulting in a budgetary savings of approximately \$70,000 per year.

NEIGHBORHOOD & CITY SERVICES /PUBLIC UTILITIES COMMITTEE ITEMS

COMM099_10_31_16 Proposed Improvement in Our Scenic Byway

- ORDR007_02_13_17 Change the Name of Park Circle to Kelleher Way (PU)
- ORDR008_02_27_17 Change the Name of Crow Lane to Colby Fann Lane (PU)

PCD

Newburyport City Council
Tom O'Brien, President
60 Pleasant Street
Newburyport, MA 01950

RECEIVED
CITY CLERK'S OFFICE
7 October 2016. NEWBURYPORT, MA

2016 OCT - 7 A 10: 59

Re: Proposed Improvement in our Scenic Byway

Dear Mr. O'Brien,

I would like to propose the following on High Street to improve our scenic byway:

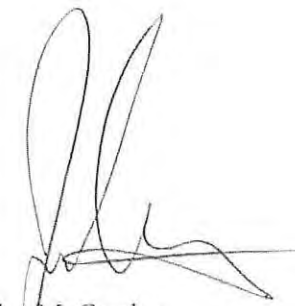
Replace this:



With this:



Remove this:



Jim McCarthy
17 Russia St
Newburyport, MA 01950
(978) 417-9373

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 13, 2017

THAT the City Council of the City of Newburyport, pursuant to Newburyport Code Section 12 – 32 Names of streets and highways and MGL Chapter 85, § 3 Change of name of ways or parks hereby authorizes by two-thirds vote the name of the public way known as Park Circle to be changed to Kelleher Way.

According to Section 12 – 32 (b) a public hearing was held on _____, 2017 at _____ pm after due notice was given by mail to all persons interested.

Said way is shown on a plan attached hereto and identified as assessor's parcel 43-1.

Councillor Larry G. Giunta, Jr.



CITY OF NEWBURYPORT

February 1, 2017

2017 JAN 31 P 2:31

To Whom It May Concern,

POLICE DEPARTMENT

MARK R. MURRAY
CITY MARSHAL

4 GREEN ST
NEWBURYPORT, MA 01950

TEL: 978.462-4413

FAX: 978.462-0396

My name is Officer Dani Sinclair and I am the liaison for the Newburyport Police Department with 911 discrepancies/issues. I had met with Jill Brennan, the City Assessor, and Tracy Watson, the Director of the Housing Authority regarding the address confusion at Park Circle. The current numbering system includes addresses on Storey Ave that exceed the address of #17 Storey Avenue, (which is the Eastern Bank). Sometimes these buildings are referenced as Storey Park, further adding to the confusion.

During our meeting, we discussed re-numbering all of the units to have a Park Circle address. There are no driveways or places to park out in front of the units that face Storey Avenue. Whenever I personally have responded to calls at these buildings, I have always used the rear door (that faces into Park Circle) as a means of entrance. The only building that does not flow with the Park Circle address (or whatever it is re-named to) would be the unit to the right of the street, which is currently 27-33 Storey Avenue. Again, this is confusing for 911 purposes since the next building becomes 17 Storey Avenue. I believe with proper signage, it would be sensible for this building to become the first even numbered addresses for Park Circle (or whatever the street becomes).

Please let me know if there are any further questions or concerns. I can be reached at dsinclair@newburyportpolice.com or 978-462-4411 x1060.

Thank you,

Ptl. Dani M. Sinclair



Mead, Talerman & Costa, LLC
Attorneys at Law

30 Green Street
Newburyport, MA 01950

Phone 978.463.7700
Fax 978.463.7747

www.mtclawyers.com

2017 JAN 10 PM 2:30

January 10, 2017

By Hand

Thomas O'Brien, Pres.

City Council

City of Newburyport

60 Pleasant Street

Newburyport, Massachusetts 01950

Re: Newburyport Housing Authority / Renaming Park Circle

Dear President and Members of the Council;

Reference is made to the above-captioned matter. In that connection, this firm represents the Newburyport Housing Authority ("NHA"). As you are aware, the NHA owns the property now known as Park Circle to Kelleher Way. The current E911 addresses list addresses as either Park Circle or Storey Park. Some of the numbers for Storey Park conflict or are repetitive with Storey Avenue addresses. At the urging of the Police Department and the Assessor's Office, the City's preference would be to number each residence as an individual residence located on Kelleher Way. The result would be a more accurate and effective E911 response and allow the NHA to rename the neighborhood to Kelleher Gardens with Kelleher Way as the street. (f/k/a Park Circle). Park Circle is a public way and as a result, the Council is responsible for any name changes associated therewith.

The NHA respectfully requests your positive action on this matter.

Sincerely,

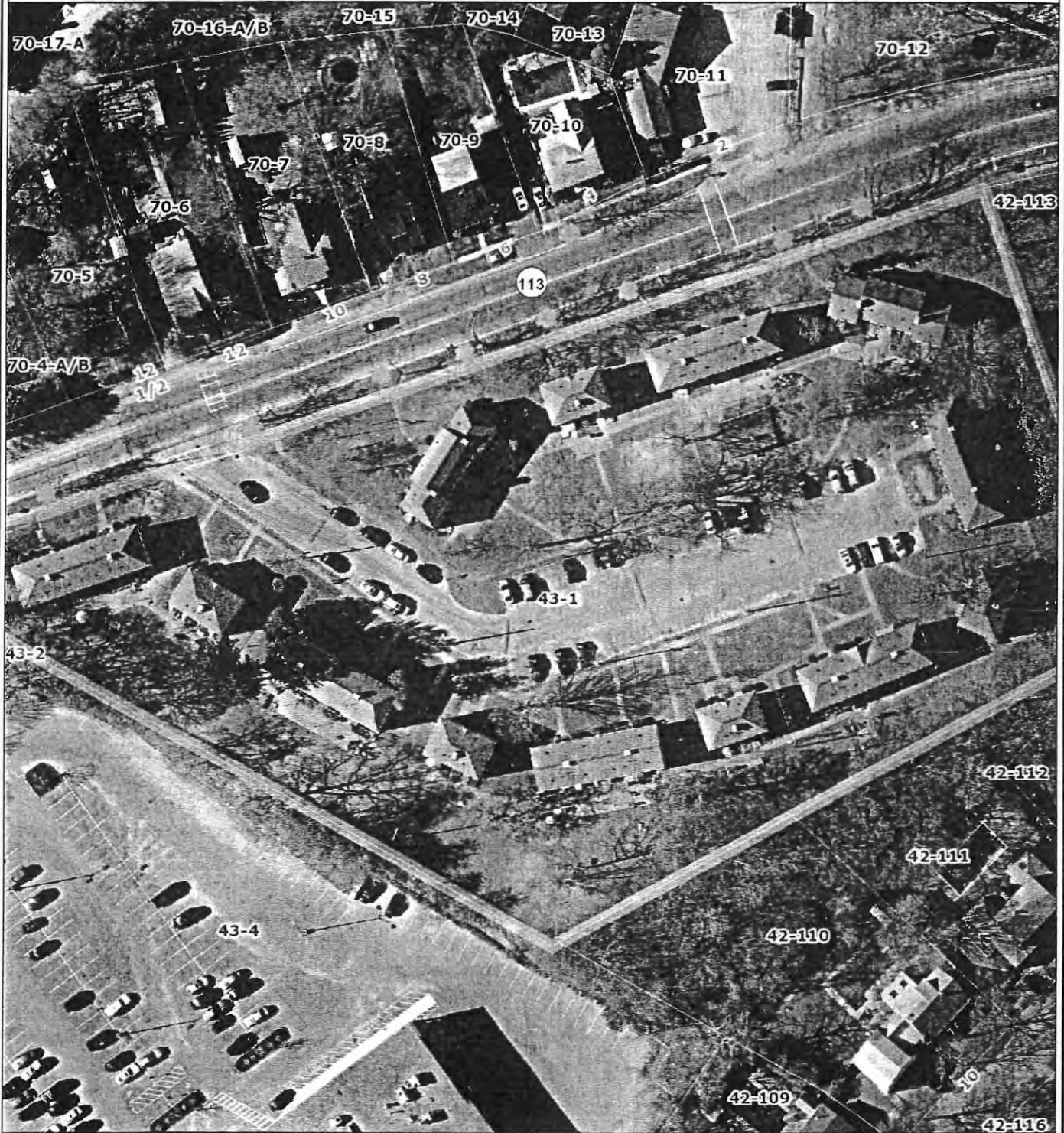
Lisa L. Mead

cc: Client

Millis Office

730 Main Street, Suite 1F
Millis, MA 02054

Phone 508.376.8400

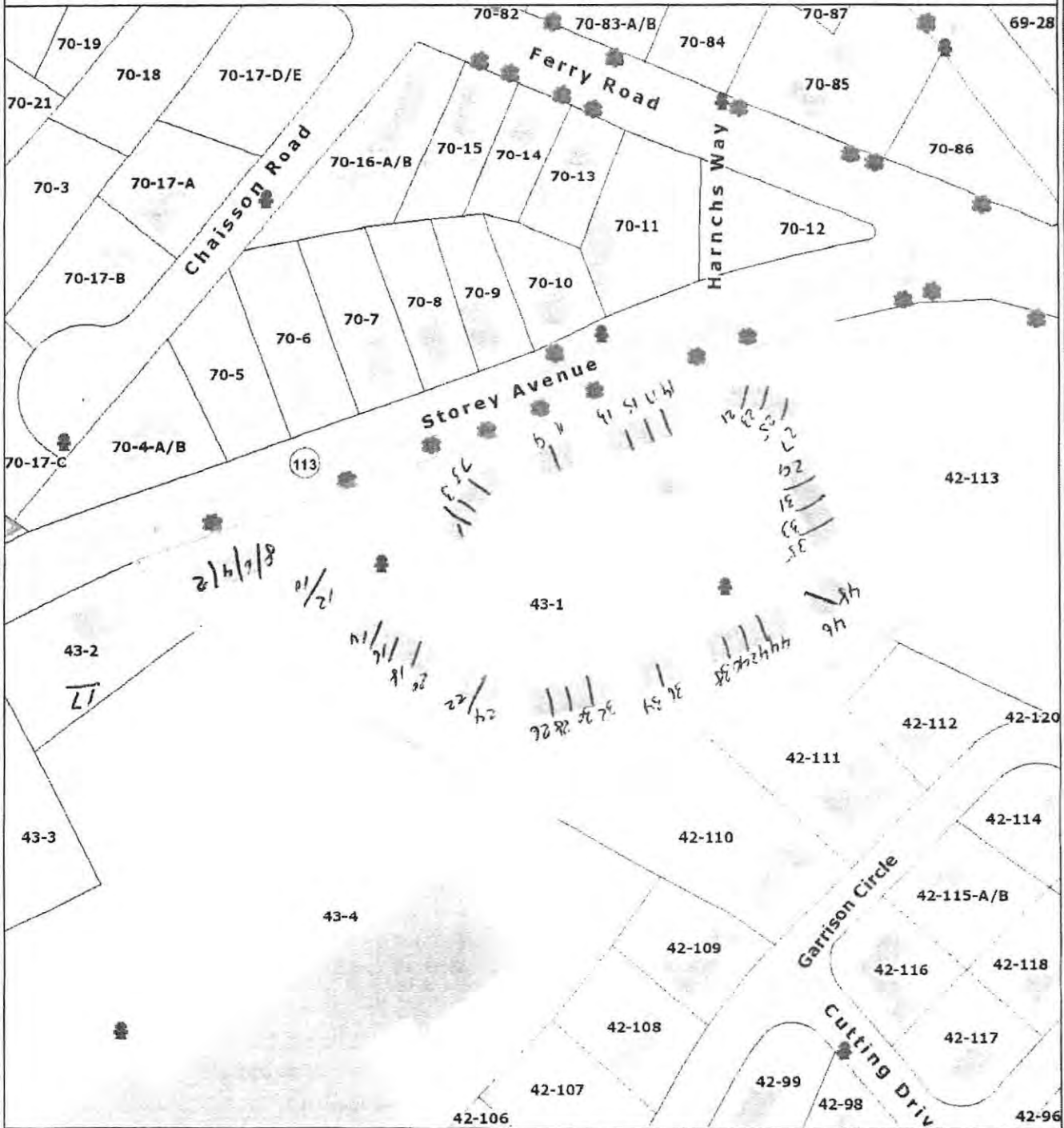


- MVPC Bo
- Trees
 - Immediate Action Needed
 - No Action Needed
 - Unknown
- Parcels
- Hydrographic Features
 - Stream
 - Intermittent Stream
- Wetlands
 - City
 - City and State
 - State

1" = 85 ft



Horizontal Datum: MA Stateplane Coordinate System, Datum NAD83, Meters Data Sources: The data for this map was produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport. Additional data provided by the Executive Office of Environmental Affairs/MassGIS. The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition or regulatory interpretation. THE CITY OF NEWBURYPORT MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE CITY OF NEWBURYPORT DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION



- MVPC Bo
- Newburyport Boundary
- Trees**
- Immediate Action Needed
- No Action Needed
- Unknown
- Railroad
- Parcels
- Water System**
- Hydrant
- Trails
- Building Footprints
- Driveways
- Easements

- Road Right of Way**
- ▬ Paved
- ▬ Unpaved
- Hydrographic Features**
- ▬ Streams
- ▬ Intermittent Stream
- Wetlands**
- ▬ City and State
- ▬ State
- ▬ Exempt Lands
- ▬ Recreation Areas

1" = 129 ft



Horizontal Datum: MA Stateplane Coordinate System, Datum NAD83.
 Meters Data Sources: The data for this map was produced by Merrimack Valley Planning Commission (MVPC) using data provided by the City of Newburyport. Additional data provided by the Executive Office of Environmental Affairs/MassGIS. The information depicted on this map is for planning purposes only. It may not be adequate for legal boundary definition or regulatory interpretation. THE CITY OF NEWBURYPORT MAKES NO WARRANTIES, EXPRESSED OR IMPLIED, CONCERNING THE ACCURACY, COMPLETENESS, RELIABILITY, OR SUITABILITY OF THESE DATA. THE CITY OF NEWBURYPORT DOES NOT ASSUME ANY LIABILITY ASSOCIATED WITH THE USE OR MISUSE OF THIS INFORMATION.

N+CS/PV

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 27, 2017

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

THAT that portion of the public way commonly known as "Crow Lane" which is East of I-95 is hereby renamed to "Colby Farm Lane" in memory of local veteran Jackman Colby.

Further, that the City Clerk:

- a. record copy of this Order at the Registry of Deeds;
- b. forward such Order to the local Postmaster and all affected residents and property owners having frontage along such public way;
- c. forward such Order to the Police Department and Fire Department (*with a request that those departments similarly notify any private ambulance companies or other emergency responders covering the Newburyport area*); and
- d. forward such Order to the Department of Public Services (*with a request that that the Department of Public Services post new street signs and notify the Massachusetts Department of Transportation*).

And further:

1. that the Office of Planning & Development notify applicable online mapping services; and
2. that all official city maps developed hereafter be updated accordingly.

Councillor Larry Giunta, Jr.

10/10/1995 Newbury News

FOR

OBITUARIES

POLI

Jackman 'Dick' Colby, 67, raised trotting horses

NEWBURYPORT — Jackman R. "Dick" Colby, 67, of 185 Low St., died unexpectedly at his home Sunday evening. He was the husband of Geraldine (Bashaw) Colby.

Mr. Colby was employed by the U.S. Postal Service until his retirement in 1989.

For more than 40 years he bred and raised trotting horses on his property in Newburyport. It was common to see him training his horses on the track he built running parallel with Low Street and to see passersby stop to enjoy watching the trotters in action.

He was born in Newburyport, May 30, 1928, son of the late John P. and Florence (Jackman) Colby, and was a lifelong resident of the city.

Mr. Colby served in the Army during World War II and again during the Korean War. He was a member of the DAV Chapter 40

and American Legion Post 150, both of Newburyport.

He was a member of the United States Trotting Association and the Massachusetts Standardbred Breeders Association. The offspring of one of his trotters won this year's Massachusetts Sires Stake Race.

Since his retirement he also spent a considerable amount of time restoring antique carriages.

He and his wife of 46 years also enjoyed travel, having recently toured Ireland and previously made several visits to Europe.

In addition to his wife, he is survived by a brother, Louis B. Colby of Newburyport, and many nieces and nephews.

Private funeral services and burial will take place at the convenience of the family.

Arrangements are by the H.L. Farmer & Sons Funeral Home, 287 High St.

Henry P. Minichiello, 84, practiced law 55 years

GROVELAND — Henry P. Minichiello, 84, of 285 Main St., died yesterday at his home after a long illness. He was the husband of the late Dolores "Delma" (Bortolazzi) Minichiello, who died in May 1988.

Bar Association.

He was a member of St. Patrick's Church of South Groveland.

In 1958, he was appointed appeal agent for Draft Board 52, which included Groveland, Georgetown, West Newbury, Merrimac, Salis-

NEWBURYPORT — Items were overnight log.

• At 10: Street res the area t

• At 11: resident r that area

• At 6:0 resident r bicycle st

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police the p.m. yeste

AMESBURY — were re Amesbur

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• Nic Road, Newb with p

Mark

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LY

PLANNING & DEVELOPMENT COMMITTEE ITEMS

- **APPT025_03_13_17** Leah McGavern | 21 Marlboro St | Planning Board | 5/31/2022
(GG)
- **APPT027_03_13_17** Bonnie Sontag | 10 Upland Rd | Planning Board | 5/31/2022
(GG)



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

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: February 23, 2017
Subject: Re-Appointment

A handwritten signature in cursive script, appearing to read "Donna D. Holaday".

I hereby re-appoint, subject to your approval, the following named individual as a member of Planning Board. This term will expire on May 31, 2022.


Leah McGavern
21 Marlboro Street
Newburyport, MA 01950



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

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: February 23, 2017
Re: Re-Appointment



I hereby reappoint, subject to your approval, the following
named individual as a member of the Planning Board.
This term will expire on May 31, 2022.

Bonnie Sontag
10 Upland Road
Newburyport, MA 01950

PUBLIC UTILITIES COMMITTEE ITEMS

- **ORDR006_2_13_17** TW Excavating & Dev, Newbury, Licensed Contractor

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 13, 2017

THAT the City Council of the City of Newburyport approves the following Licensed Contractor application for the 2017 construction year for Water, Sewer, Drain Layer, Roadway and Sidewalk work:

TW Excavating.
108 Newburyport Turnpike
Newbury, MA 01951

Paperwork on file in the City Clerk's office.

Councillor Jared J. Eigerman
Public Utilities Chairperson