

**CITY COUNCIL MEETING AGENDA - VERSION 1**  
**CITY COUNCIL CHAMBERS**  
**APRIL 9, 2018**

**7:30PM**

**(Sound Check)**

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

**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 26, 2018

(Approve)

**8. TRANSFERS**

- **TRAN007\_04\_09\_18** Health Insurance \$30K to LGL City Solicitor \$30K (B&F)

**9. COMMUNICATIONS**

- **COMM026\_04\_09\_18** Annual Audit of the City's FY2017 Financial Statements (B&F)
- **COMM027\_04\_09\_18** River Valley Charter School Storm Drain Project (N&CS)
- **COMM028\_04\_09\_18** Essex Coastal Scenic Byway Visitor Center Kiosk (GG)

**10. APPOINTMENTS**

- **APPT022\_04\_09\_18** Ronald S. Ziemba 58 Lime St. Unit 1 Historical Commission 5/1/2021
- **APPT023\_04\_09\_18** Paul Hogg 4 Coltin Dr. Special Police Officer 3/1/2020

**Re-Appointments**

- **APPT024\_04\_09\_18** Johnny Walker (Capt.) 64A Boardman St. Asst Harbormaster 3/1/2021
- **APPT025\_04\_09\_18** Karen Popken 49 Boardman St. Parks Commission 5/1/2023
- **APPT026\_04\_09\_18** Kathryn L. Haried 100 High St. Tree Commission (Alt) 5/1/2019
- **APPT027\_04\_09\_18** Kim Kudym 44 Hale St. Tree Commission (Alt) 5/1/2021
- **APPT028\_04\_09\_18** Jane Niebling 45 Temple St. Tree Commission 6/1/2021
- **APPT029\_04\_09\_18** Kevin Hunt 14 10<sup>th</sup> St. Veterans' Agent 4/1/2019
- **APPT030\_04\_09\_18** Barry J. McBride 5 Pine St. Asst Wiring Inspector 5/1/2019

**Re-Appointments, to be referred to License & Permit**

- **APPT031\_04\_09\_18** Gregg M. Ogden 6 Merrill St. Licensing Commission 6/1/2024 (L&P)
- **APPT032\_04\_09\_18** Ted Waldron 12 Frances Dr. Licensing Commission 6/1/2024 (L&P)

**END OF CONSENT AGENDA  
REGULAR AGENDA**

**11. MAYOR'S UPDATE**

**12. APPOINTMENTS**

**Second Reading**

- **APPT020\_03\_26\_18** Yvonne McQuilkin      39 Purchase St      Council on Aging      5/31/2023

**13. ORDERS**

- **ORDR020\_04\_09\_18** Parking Fees
- **ORDR021\_04\_09\_18** Parking Lot Hours
- **ORDR022\_04\_09\_18** Local Retail Sales Tax on Marijuana
- **ORDR023\_04\_09\_18** Additions to 2-Hour Parking Zones
- **ORDR024\_04\_09\_18** Special Act to Dissolve Newburyport Redevelopment Authority

**14. ORDINANCES**

- **NONE**

**15. COMMITTEE ITEMS**

**Budget & Finance**

*In Committee:*

- **ORDR007\_01\_29\_18** 41C Amendment
- **TRAN006\_03\_26\_18** Health Insurance \$8,550 to GEN Travel/Training \$8,550
- **COMM022\_03\_26\_18** FY2018-FY2022 Capital Improvement Program Submission
- **ORDR017\_03\_26\_18** North End Rail Trail Gift Acceptance \$3,500

**Education**

*In Committee:*

- 

**General Government**

*In Committee:*

- **ODNC007\_02\_12\_18** Amendment to Division 7 – City Solicitor
- **ORDR016\_03\_26\_18** Naming of the Five (5) Nature Trails Contained in the Little River Trail System

**License & Permits**

*In Committee:*

- 

**Neighborhoods and City Services**

*In Committee:*

- **ODNC001\_01\_11\_16** Amend Ch11 Parks and Recreation (**COTW**)
- **ORDR048\_06\_13\_16** Sidewalk Order
- **COMM111\_10\_10\_17** Petition for Road Repairs and Repaving – Squires Glen

**Planning & Development**

*In Committee:*

- **ODNC017\_10\_30\_17** Zoning Amendment – No Use Variances (**COTW**)

- **COMM122\_11\_27\_17** Mobilitie Application/ Small Cell Utility Petition (re-file) **(PU)**
- **ODNC001\_01\_08\_18** Medical Marijuana Zoning Map
- **ORDR008\_01\_29\_18** Mobilitie Grant of Location **(PU)**
- **ODNC003\_01\_29\_18** Zoning - Amendment to Table of Use Regulations
- **ODNC004\_01\_29\_18** Amendment to Zoning Map
- **ODNC008\_02\_12\_18** Disposition of G. W. Brown School
- **ODNC010\_03\_12\_18** Lot Area Calculations for Residential Districts
- **ODNC011\_03\_12\_18** Zoning Map Change - Low Street Farms
- **APPT016\_03\_12\_18** David St. Cyr                      25 Tyng St                      NRA                      9/1/2018
- **APPT017\_03\_12\_18** Robert Uhlig                      10 Ocean St                      NRA                      9/1/2018
  - **ORDR019\_03\_26\_18** Evergreen Commons Easement
- **APPT021\_03\_26\_18** Donald B. Walters                      15 Smith St                      Planning Board                      5/31/2023

**Public Safety**

*In Committee:*

- **ODNC002\_01\_29\_18** Noise Division to Chapter 8-Referred 2/12/18
- **COMM020\_03\_12\_18** Newburyport Half Marathon - 10/21/2018
- **ORDR014\_03\_12\_18** Crosswalks on Rawson Ave and Turkey Hill Rd
- **ODNC009\_02\_12\_18** Floating Homes, Houseboats, and Related Marinas
- **COMM023\_03\_26\_18** Cultural Survival Bazaar - 7/21/2018-7/22/2018
- **COMM024\_03\_26\_18** Flag Day 5K - 6/16/2018
- **ODNC012\_03\_26\_18** Amendment to Chapter 13, Section 13-26

**Public Utilities**

*In Committee:*

- **COMM122\_11\_27\_17** Mobilitie Application/Small Cell Utility Petition (re-file) **(P&D)**
- **ORDR008\_01\_29\_18** Mobilitie Grant of Location **(P&D)**
- **ORDR018\_03\_26\_18** Frank Delucia & Son, Inc. - Licensed Contractor

**Rules Committee**

*In Committee:*

**16. GOOD OF THE ORDER**

**17. ADJOURNMENT**

## **CONSENT AGENDA**





Motion to approve the Consent Agenda by Councillor Zeid, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed. Motion to waive rules, to forego a roll call vote when removing items from committee, by Councillor Zeid, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed.

## 11. MAYOR'S UPDATE

None given.

## 12. APPOINTMENTS

### Second Reading

- **APPT009\_03\_12\_18** Madeline Nash 19 Arlington St Affordable Housing Trust 5/1/2020
- **APPT010\_03\_12\_18** Judy Tymon 39 Lime St Affordable Housing Trust 4/1/2020
- **APPT011\_03\_12\_18** Michael Dissette 44 Jefferson St Community Pres Act 3/1/2021
- **APPT012\_03\_12\_18** Daniel J. Koen 16 Boyd Dr Community Pres Act 2/1/2020
- **APPT014\_03\_12\_18** Marian Leighton Levy 323 Merrimac St Fruit St Local Historic Dist 12/1/2020
- **APPT015\_03\_12\_18** Edmund R. McGrath 28 Olive St Historical Commission 3/31/2021
- **APPT018\_03\_12\_18** Ann Dykes 12 Munroe St Parks Commission 4/1/2023
- **APPT019\_03\_12\_18** Ann M. Lagasse 1 Piper's Quarry Parks Commission 2/1/2023

Motion to approve second reading appointments by Councillor Vogel, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.

## 13. ORDERS

- **ORDR016\_03\_26\_18** Naming of the Five (5) Nature Trails Contained in the Little River Trail System  
Motion to refer to General Government by Councillor Giunta, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.
- **ORDR017\_03\_26\_18** North End Rail Trail Gift Acceptance \$3500  
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.
- **ORDR018\_03\_26\_18** Frank Delucia & Son, Inc. - Licensed Contractor  
Motion to refer to Public Utilities by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.
- **ORDR019\_03\_26\_18** LATE FILE Evergreen Commons Easement  
Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.

## 14. ORDINANCES

- **ODNC019\_12\_11\_17** Recommended Additions to Chapter 2, Article 3, Division 6, Section 2-125a (**2<sup>nd</sup> Reading**)  
Motion to approve second reading by Councillor Vogel, seconded by Councillor Eigerman. Roll call vote, 8 yes, 2 no (Zeid, Giunta), 1 present (Devlin). Motion passed.
- **ODNC012\_03\_26\_18** Amendment to Chapter 13, Section 13-26  
Motion to refer to Public Safety by Councillor Zeid, seconded by Councillor Khan. Roll call vote, 11 yes. Motion passed.

## 15. COMMITTEE ITEMS

### Budget & Finance

#### *In Committee:*

- **ORDR007\_01\_29\_18** 41C Amendment
- **TRAN004\_02\_12\_18** Essex North Shore Tech \$6.5K to HS Addition Feasibility \$6.5K (**JE**)

Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 7 yes, 4 no (Zeid, Devlin, Giunta, OBrien). Motion passed.

- **TRAN005\_03\_12\_18** Bresnahan Building Proj \$42,390 to Nock Elevator Proj \$42,390  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Khan. Roll call vote, 11 yes. Motion passed.
- **COMM016\_03\_12\_18** Merrimack Valley Planning Commission FY2019 Assessment  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to receive and file by Councillor Tontar, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.
- **ORDR013\_03\_12\_18** Newburyport High School Statement of Interest  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to receive and file by Councillor Tontar, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed.

### **Education**

Councillor Giunta announced upcoming meetings on April 2nd at the Senior Center, at 5:30 pm and then a budget review meeting at 6:30pm.

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

- **TRAN004\_02\_12\_18** Essex North Shore Tech \$6.5K to HS Addition Feasibility \$6.5K (**B&F**)  
Motion to remove from Education by Councillor Giunta, seconded by Councillor Zeid. So voted. Motion to receive and file by Councillor Giunta, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.

### **General Government**

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

- **ODNC007\_02\_12\_18** Amendment to Division 7 – City Solicitor

### **License & Permits**

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

- 

### **Neighborhoods and City Services**

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

- **ODNC001\_01\_11\_16** Amend Ch11 Parks and Recreation (**COTW**)
- **ORDR048\_06\_13\_16** Sidewalk Order
- **COMM111\_10\_10\_17** Petition for Road Repairs and Repaving – Squires Glen

### **Planning & Development**

Councillor Eigerman announced a meeting on April 4<sup>th</sup> at 7:00pm to discuss ODNC010\_03\_12\_18 and ODNC010\_03\_12\_18.

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

- **ODNC017\_10\_30\_17** Zoning Amendment – No Use Variances (**COTW**)
- **COMM122\_11\_27\_17** Mobilite Application/ Small Cell Utility Petition (re-file) (**PU**)
- **ODNC001\_01\_08\_18** Medical Marijuana Zoning Map
- **ORDR008\_01\_29\_18** Mobilite Grant of Location (**PU**)
- **ODNC003\_01\_29\_18** Zoning - Amendment to Table of Use Regulations
- **ODNC004\_01\_29\_18** Amendment to Zoning Map
- **ODNC008\_02\_12\_18** Disposition of G. W. Brown School

- **ODNC010\_03\_12\_18** Lot Area Calculations for Residential Districts
- **ODNC011\_03\_12\_18** Zoning Map Change - Low Street Farms
- **APPT013\_03\_12\_18** Joseph C. Teixeira 44 Hale St Conservation Commission 3/1/2021  
Motion to waive the rules, to remove APPT013\_03\_12\_18 from Planning & Development though it was not included in the packet, by Councillor Eigerman, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion passed. Motion to approve by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.
- **APPT016\_03\_12\_18** David St. Cyr 25 Tyng St NRA 9/1/2018
- **APPT017\_03\_12\_18** Robert Uhlig 10 Ocean St NRA 9/1/2018

**Public Safety**

*In Committee:*

- **ODNC002\_01\_29\_18** Noise Division to Chapter 8-Referred 2/12/18
- **COMM017\_03\_12\_18** 61st Yankee Homecoming  
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Giunta. So voted. Motion to receive and file by Councillor Devlin, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed.
- **COMM018\_03\_12\_18** Pan Mass Challenge Kids Ride - 6/10/2018  
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Devlin, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed.
- **COMM019\_03\_12\_18** GNOCA 5K Run/Walk - 9/30/2018  
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Devlin, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed.
- **COMM020\_03\_12\_18** Newburyport Half Marathon - 10/21/2018
- **ORDR014\_03\_12\_18** Crosswalks on Rawson Ave and Turkey Hill Rd
- **ODNC009\_02\_12\_18** Floating Homes, Houseboats, and Related Marinas

**Public Utilities**

*In Committee:*

- **COMM122\_11\_27\_17** Mobilite Application/ Small Cell Utility Petition (re-file) (P&D)
- **ORDR008\_01\_29\_18** Mobilite Grant of Location (P&D)

**Rules Committee**

*In Committee:*

**16. GOOD OF THE ORDER**

Councillor Zeid gave an update on the Parking Advisory Committee, including John Burke’s parking study and recommendations. Councillor Vogel asked the Council to consider conservation of paper in the packet.

**17. ADJOURNMENT**

Motion to adjourn by Councillor Zeid, seconded by Councillor Vogel. Roll call vote, 9 yes, 1 no (Tontar), 1 present (Earls). Motion passed. 09:04pm.

## TRANSFERS





# City of Newburyport

## FY 2018

### BUDGET TRANSFER REQUEST

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2018 APR 24

**Department:** Mayor's Office  
**Submitted by:** Donna D. Holaday, Mayor      **Date Submitted:** 4/9/2018

**Transfer From:**

Account Name	<u>Health Insurance</u>	YTD Bal:	<u>\$ 1,692,454.48</u>
Account Number:	<u>01914001-51700</u>	Category:	<u>\$ 1,849,838.58</u>
Amount:	<u>\$30,000.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Available:	<u>A surplus is anticipated in the health insurance line item at year-end.</u>		

**Transfer To:**

Account Name	<u>LGL City Solicitor</u>	YTD Bal:	<u>\$ 3,986.40</u>
Account Number:	<u>01191002-53020</u>	Category:	<u>\$ 3,986.40</u>
Amount:	<u>\$30,000.00</u>	Trans I/O:	<u></u>
Why are Funds Required:	<u>The City annually budgets \$70,000 to fund the City Solicitor, KP Law.</u>		
	<u>Additional funds are needed to fund this line item through year-end. Higher than anticipated costs were incurred during FY2018 due to a number of projects and matters requiring legal review.</u>		

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

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

Date: 4/3/18  
 Date: 4/3/18

# COMMUNICATIONS





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

RECEIVED  
 CITY CLERK'S OFFICE  
 NEWBURYPORT, MA

2018 APR -3 AM 10:30

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: April 3, 2018  
 Subject: Annual Audit of the City's FY 2017 Financial Statements

The certified public accounting firm of Melanson, Heath & Company has completed the annual audit of the City's FY 2017 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. For the fifth year in a row, the independent auditors issued an unqualified or "clean" opinion of the City's FY2017 financial statements.

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. Great progress has been made by the city in implementing the recommendations of the independent auditors; six recommendations from FY2016 were implemented and no longer appear in the FY2017 management letter.

The City continues to work to address the current and prior year recommendations contained in the FY2017 management letter. Prior year recommendations include 1) making improvements to the accounting for compensated absences by implementing an

automated system for tracking vacation and sick time, 2) improving the funding and timing of payroll and vendor warrants, 3) preparing for single audit changes related to federal grants over \$750,000 and 4) continuing to make improvements to the bank account reconciliation process to resolve reconciling items in a more timely manner.

The only current year (new) recommendation is to “gross-up” budget and accounting records for betterments in the water and sewer enterprise funds. This essentially requires that the city budget for the debt service related to betterment projects (i.e. Plum Island Water/Sewer and Low Street Sewer) to be offset by the betterment receipts that the city receives each year. We will implement this recommendation for FY2019.

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.

**Richard Jones**

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**From:** vtsgmailer@vt-s.net on behalf of Contact form at Newburyport MA <vtsgmailer@vt-s.net>  
**Sent:** Monday, April 02, 2018 3:02 PM  
**To:** Richard Jones  
**Subject:** [Newburyport MA] Request to be added to Agenda (Sent by River Valley Charter School Middle School Storm Drain Team, hreusse@rivervalleycharter.org)

Hello rjones,

River Valley Charter School Middle School Storm Drain Team  
([hreusse@rivervalleycharter.org](mailto:hreusse@rivervalleycharter.org)) has sent you a message via your contact form  
(<https://www.cityofnewburyport.com/users/rjones/contact>) at Newburyport MA.

If you don't want to receive such e-mails, you can change your settings at  
<https://www.cityofnewburyport.com/user/96/edit>.

Message:

The middle school in the River Valley Charter School (Newburyport, MA), is taking part in a project relating to the Merrimack River and how to take better care of it. There are numerous groups such as Outgoing Awareness, the Green Team, and Storm Drains (our group). Students created drawings of fish that are in the Merrimack River and captioned the drawings with phrases like "Don't Dump, Drains to River" which sums up the main idea of not carelessly littering near storm drains, which lead directly to the Merrimack.

We are planning to transform the drawings into stencils, later painting them near the storm drains to tell citizens our message.

Some students from the Storm Drain group visited City Hall to explain the situation and to ask for clarification on what the next steps shall be.

Though we have gotten permission from Mayor Holaday via Jon-Eric White to go on with some actions, we would now like to go before the City Council to present our plans in order to obtain more formalized permission, and respectfully request to be added to your next agenda.

Please let us know how we can go forward.

Sincerely,

The Storm Drain Team at River Valley Charter School



RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2018 APR -3 PM 3:24

TO: Council President Barry Connell  
Councilor Jared Eigerman, Ward 2

FROM: Ghlee E. Woodworth  
Coordinator of the Essex Heritage Coastal Scenic Byway Kiosk  
for Newburyport  
978 462-2010; <pcbahati@yahoo.com>

DATE: March 1, 2018

RE: Seeking Sponsors and City Council Approval

The Essex National Heritage Commission is a nonprofit organization that promotes the saving of the unique character of Essex County: "the thousands of historic, cultural, and natural places that were crucial in shaping our nation and the places that led to this region's designation as a National Heritage Area by an act of Congress in 1996."

Essex Heritage is proposing an Essex Coastal Scenic Byway Visitor Center Kiosk System which will be located in fourteen communities in Essex County. The kiosk signage for public benefit will assist locals and visitors with maps and photographs of places of interests as well as promote Newburyport in thirteen other communities.

Attached is a letter from CEO Annie Harris explaining the project with kiosk and information panel concepts. Survey maps show the city property location on Merrimack Street in front of the NRA pop up park. Essex Heritage is responsible for all costs, installation and maintenance of the kiosk.

Newburyport has met all deadlines. The next step is for City Council approval.

I will be happy to meet with you to answer any questions.

Thank you.





February 20, 2018  
City of Newburyport  
60 Pleasant Street  
Newburyport, MA 01950

Re: Newburyport City Council Kiosk Project Review

On behalf of the Essex National Heritage Commission, Inc., I would like to request the following building permit application be added to the next agenda for the City Council. The following is a proposal for the construction of an outdoor wayfinding kiosk in Newburyport downtown area, as a part of the Essex Coastal Scenic Byway Visitor Center Kiosk System.

The project entails the fabrication and installation of an outdoor wayfinding kiosk to provide local information to the general public. Our goal is to enhance the visitor experience by providing byway travelers with local information on arts, culture, and recreation in a standardized format that is welcoming, attractive, and easy to understand. Please see the enclosed submission packet for more information.

The project is fully funded by the Federal Highway Administration and the Massachusetts Department of Transportation (MassDOT). Once installed, the kiosk will be owned by MassDOT and maintained by Essex Heritage.

Newburyport is one of 14 communities linked together by the 90-mile, state-designated Essex Coastal Scenic Byway. For over a decade Essex Heritage has provided leadership to a coalition of byway stakeholders who are working in partnership to develop, brand and market the byway as a means of directing tourists to our coastal communities. To this end, Essex Heritage has managed the preparation of a federally required Corridor Management Plan (2011) and the installation of wayfinding signage (2016). The development and installation of kiosks in byway communities is the next phase of this initiative.

Thank you for your consideration of this design and please notify our office if there is additional information you would like to review.

Sincerely,

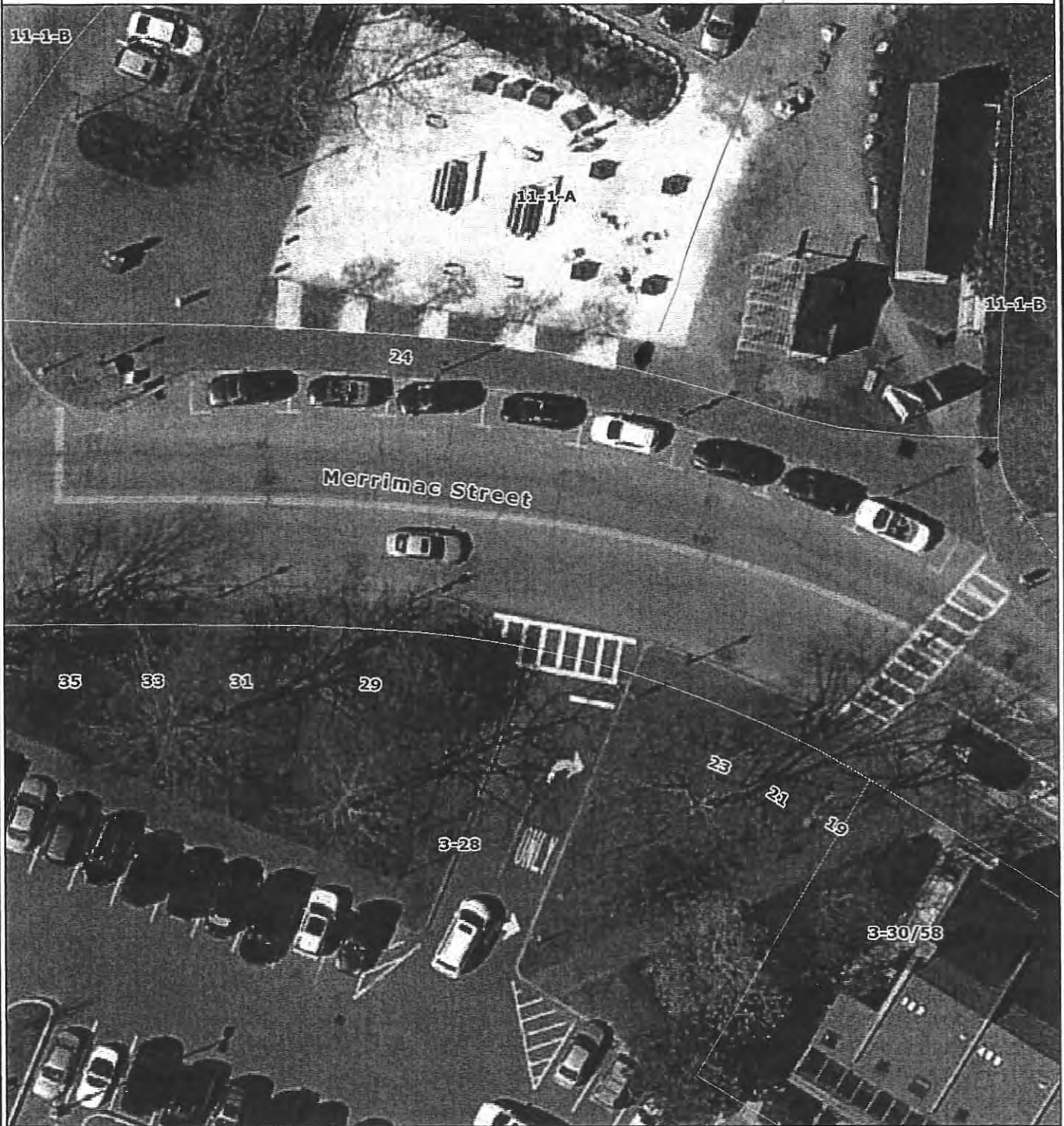
Annie Harris, CEO  
Essex National Heritage Commission, Inc.



# Kiosk-Location

Newburyport MIMAP

February 26, 2018

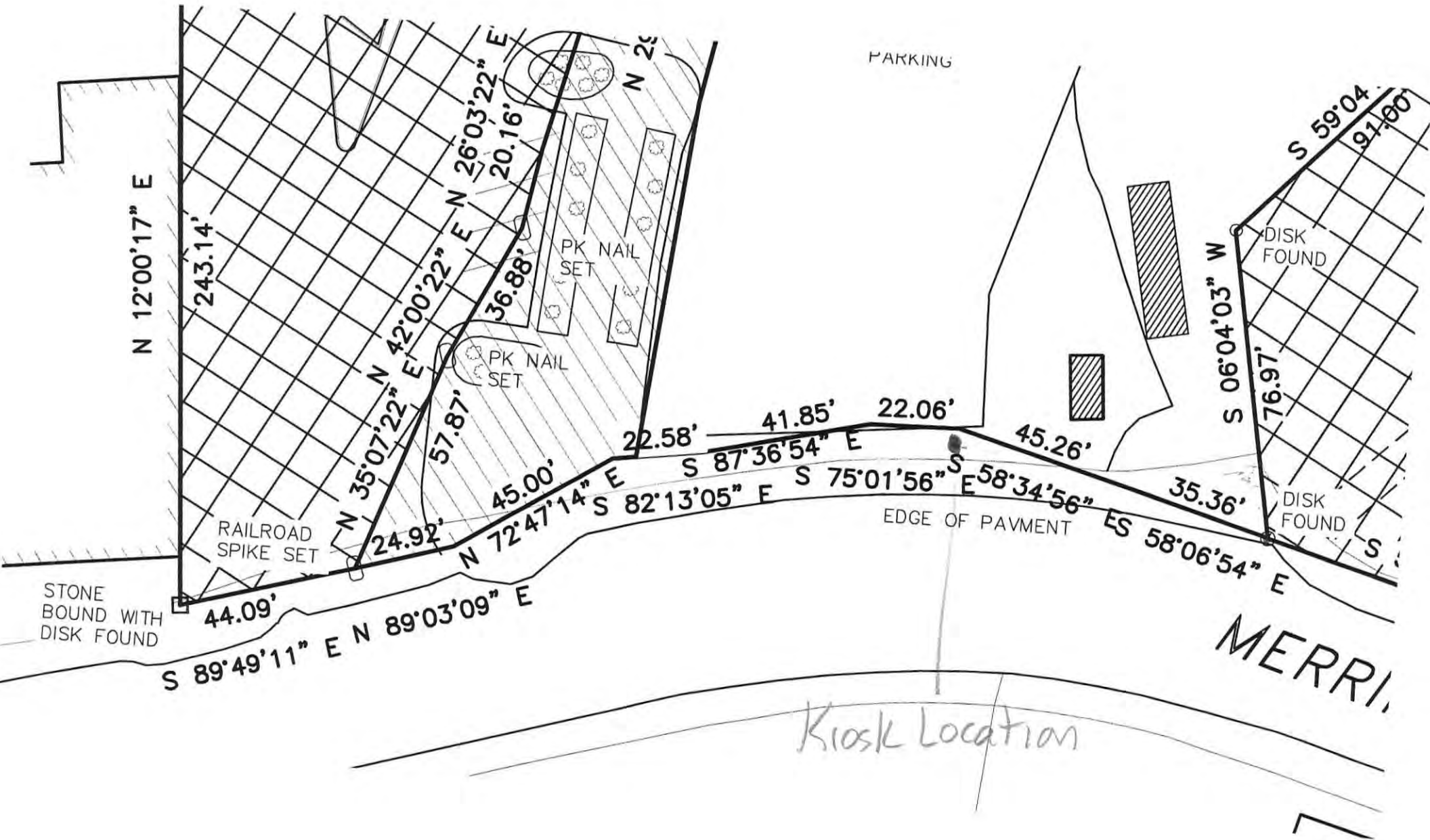


- MVPC Bo
- Trees
  - Immediate Action Needed
  - No Action Needed
  - Unknown
- Parcels
- Hydrographic Features
- Streams
  - Stream
  - Intermittent Stream
- Wetlands
  - City
  - City and State
  - State

1" = 29 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





# PROJECT SCHEDULE



**ESSEX COASTAL SCENIC BYWAY**  
VISITOR CENTER KIOSK SYSTEM  
Project Workplan

Dec 31 2018 end





**Essex Coastal Scenic Byway**  
Essex National Heritage Commission  
Salem, MA

# BYWAY KIOSK **NEWBURYPORT SITE**

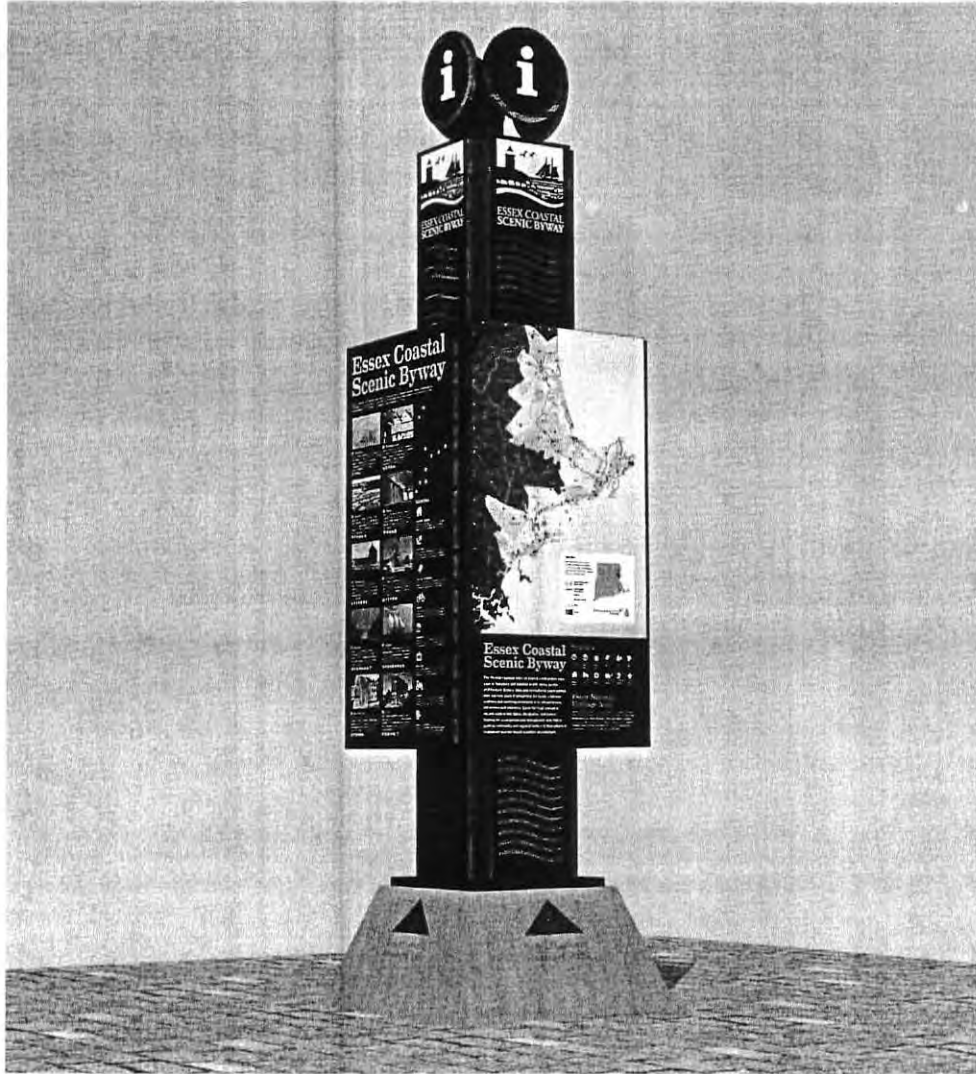
**Conceptual Design Overview**

**PROGRESS SET**

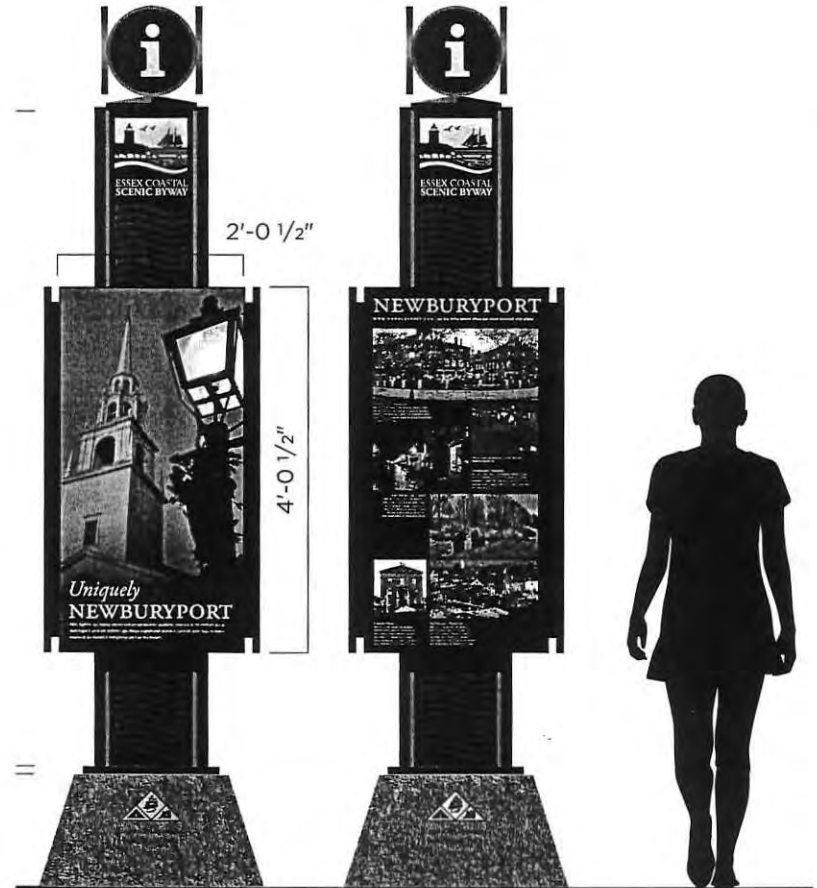
02.19.18

**omloop**  
it's all connected

Design Details: Panels 1 & 2, Byway Map and Byway Information



Panels 3 & 4, Newburyport-specific information (DRAFTS)



Panel 1

**ESSEX COASTAL SCENIC BYWAY**

*Getting Around*

The 97-mile roadway links 14 coastal communities from Lynn to Salisbury and features scenic views, period architecture, historic sites and recreational opportunities. With the main goals of preserving the town's historic qualities and ensuring investment in its infrastructure, amenities and amenities, Essex Heritage works to secure state scenic byway designation and federal funding for a comprehensive management plan that is guided by community and regional leaders in their efforts to implement tourism-based economic development.

**Essex National Heritage Area**

The Essex National Heritage Area encompasses 620 square miles and 10 towns and historic places, encompassing roughly 100,000 acres and 100,000 residents. It is a state and federal partnership, and the National Park Service work to identify and preserve the region's historic and natural heritage. The Essex National Heritage Area is managed by the Essex National Heritage Commission, Inc., a small nonprofit corporation created in collaboration with the National Park Service.

Panel 2

# ESSEX COASTAL SCENIC BYWAY

ESSEXHERITAGE.ORG

ESSEX COASTAL SCENIC BYWAY

**Highlights:**

- 1. Lynn
- 2. Lynn
- 3. Lynn
- 4. Lynn
- 5. Lynn
- 6. Lynn
- 7. Lynn
- 8. Lynn
- 9. Lynn
- 10. Lynn
- 11. Lynn
- 12. Lynn
- 13. Lynn
- 14. Lynn

**HIGHLIGHTS:**

- BIKING
- HIKING & BIRDING
- AMBITING
- RAIL RE-PROJECTS
- FRIDAY
- BEACHES
- ARTIST INCLUDES
- FISHING

Panel 3

*Uniquely*  
**NEWBURYPORT**

Abi. Agnim, qui nonse valeret estrum vernaturem quastemp ossequi si res minimi qui lipsum fugia il hime odi dollam fuga. Nequi cupiationet aturibus comissi, omni A qui re eatiussaero id qui repedit mililupatus pedi od mo blatam.

Working **draft**, to be finalized with Newburyport

Panel 3

# NEWBURYPORT

WWW.NEWBURYPORT.COM | Jus dus, incta dolendi officio quo lusam oransedi volut adipis

**Newburyport Highlights**

**Newburyport Maritime**

**Newburyport Maritime**

**Old Mill Building**

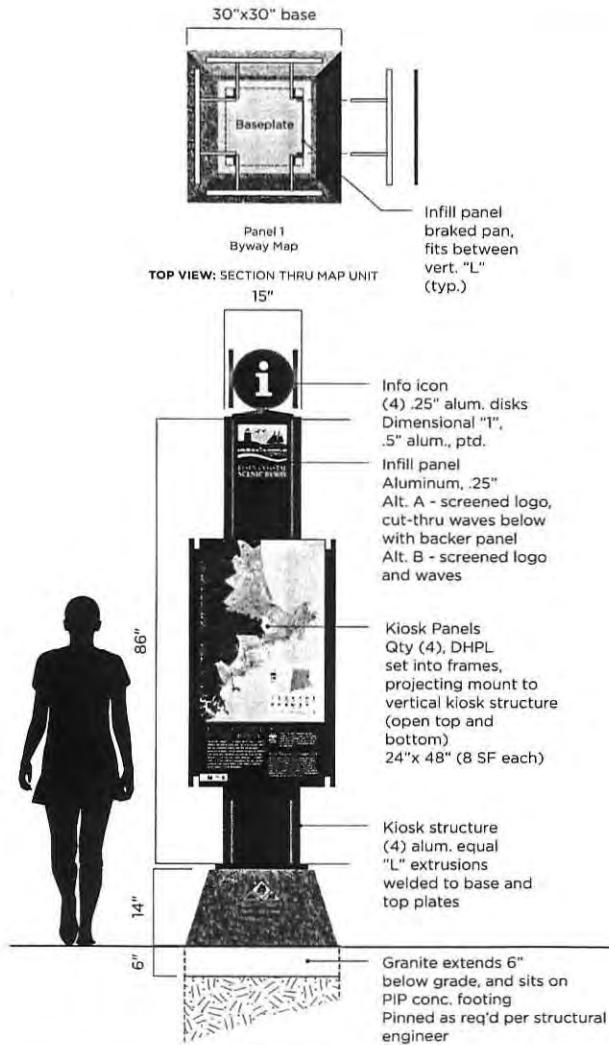
**Customs House**

**Newburyport State House**

Working **draft**, to be finalized with Newburyport

## Details (in progress)

## Proposed lighting (in progress)



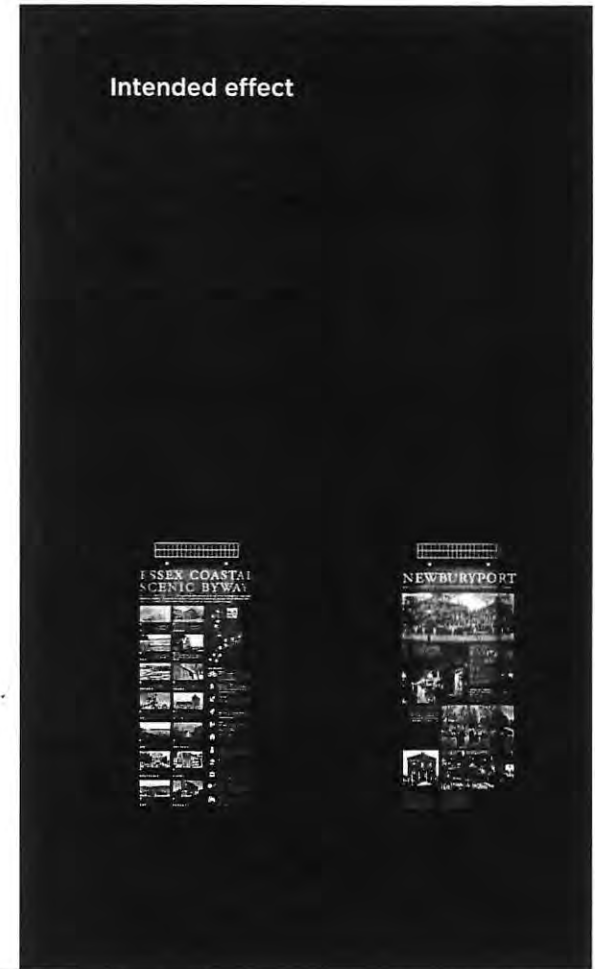
We think the lighting of the panels is important, and are hoping to fit it into the budget.

The lights are solar-powered and the kiosk requires no external power connection.

Solar powered self-contained panel downlights  
Qty. (4) per kiosk



## Intended effect





**E** 08 Newburyport: Merrimack Street (approximate placement)



**APPOINTMENTS  
FIRST READING**





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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2018 MAR 26 PM 1:10

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 26, 2018  
Subject: Appointment

-----  
I hereby appoint, subject to your approval, the following  
named individual as a member of the Historical  
Commission. This term will expire on May 1, 2021.

Ronald S. Ziemba  
58 Lime Unit 1  
Newburyport, MA 01950

## Lois Honegger

---

**From:** Ron ziemba <ziembaron@gmail.com>  
**Sent:** Wednesday, January 24, 2018 11:30 AM  
**To:** Lois Honegger  
**Subject:** Historical Commission

Mayor's Office  
c/o Lois Honegger  
Newburyport City Hall  
60 Pleasant Street  
Newburyport MA 02950

Dear Mayor Holaday:

This letter is to declare my strong interest in an appointment to fill the current opening on the Newburyport Historical Commission.

I believe my education and experience; deep knowledge of Newburyport's storied history and valued historical assets; and proven ability to work together in a volunteer group setting qualify me as a strong candidate for this position. In addition to you and Lois, I'm known to most City Council members, Kate Newhall-Smith, and other Planning Department personnel.

I've made many significant volunteer contributions to the city's cultural nonprofit world since coming to Newburyport six years ago, including the lead role in creating and producing the March 2017 program "CODEBREAKER: Gordon Welchman in Bletchley Park and Newburyport;" board memberships in the Friends of the Library and Newburyport Chamber Music Festival, and four years of participation in the Newburyport Cultural Council.

I would very much value the opportunity to bring my interests and abilities to bear on the activities of the Newburyport Historical Commission.

My resume appears below. I'm available to meet with the appropriate city officials at any mutually agreeable time.

Sincerely,  
Ron Ziemba

## **RESUME**

**RONALD S. ZIEMBA**  
**58 LIME STREET, UNIT 1**  
**NEWBURYPORT, MA 01950**

**[413-575-5699](tel:413-575-5699)**

Ziembaron@gmail.com

## **SUMMARY:**

Broad-based corporate and marketing communications experience, including strategy development, program execution, administrative oversight. Experience includes cultural non-profits in Newburyport, as well as corporate experience in financial services, consumer products, utilities, academia, and business and general media including The Wall Street Journal.

Proven achiever in positioning organizations for key internal and external audiences. High-energy self-starter who shapes marketing and communications strategies to affect change and support operating unit objectives. Strong record of successful interaction with top management.

## **EXPERIENCE:**

2014-Present

Marketing consulting for cultural non-profits  
Newburyport, MA

Since retiring from full-time employment in 2012, I have established a strong local niche in marketing, communications, and editorial consulting in the world of cultural non-profit organizations in and around Newburyport, MA. This consulting work has encompassed media relations, news releases, speeches and presentations, advertising copywriting and placement, social media, member communications, and graphic design and photography management, among others. My work since 2014 has led to board memberships in the Friends of the Newburyport Public Library and the Newburyport Chamber Music Festival,

where I served as interim board president. I am currently a member of the Newburyport Cultural Council, Newburyport Master Plan Steering Committee, Newburyport Public Library Strategic Planning Advisory Committee, Museum of Old Newbury, Newburyport Choral Society, Newburyport Art Association, and the News & Views discussion group. I have worked with Jean Doyle on her recent historical presentations about Newburyport.

2000-2012:

Director of Marketing and Communications (Retired August 2012)

SPRINGFIELD COLLEGE

Springfield, MA

The Birthplace of Basketball, this private college was founded in 1885 and today has 5,000 students at its home campus and nine other locations around the United States. Responsible for all marketing and communications programs for the college, including media relations, admissions marketing, sports communications, alumni and development communications, presidential speechwriting, graphic design. Also served as acting director of community relations and author, editor and publisher of hard-cover 125th anniversary historical volume. Staff: 10. Budget: \$800,000. (Retired 8/12)

1997-1999:

Vice President, Communications

HEXCEL CORPORATION

Stamford, CT

New York Stock Exchange-listed manufacturer and marketer of composite materials, with facilities worldwide. Responsible for media relations, financial communications including annual report, corporate identification program, audio-visual presentations, speechwriting. Liaison with divisional communications officers. Staff: 2 internal, outside agencies.



Budget \$1 million.

1994-1996:

Vice President, Communications

RELIANCE GROUP HOLDINGS

New York, NY

NYSE-listed insurance holding company with interests in property-casualty and title insurance. Responsible for media relations, financial communications including annual report, speechwriting, corporate identification program, corporate philanthropy, internal communications. Joint responsibility for investor relations with Vice President and Treasurer. Liaison with subsidiary communications officers. Staff: 2 internal, outside agencies. budget: \$2 million.

1989-1994:

Vice President, Corporate Relations

EASTERN ENTERPRISES

Weston, MA

NYSE-listed utility holding company, parent of Boston Gas Company and Midland Enterprises. Responsible for investor relations (including daily contact with analysts and large investors), media relations, financial communications including annual report, internal communications, speechwriting, corporate identification program, corporate philanthropy (charitable foundation). Staff: 3 internal, outside agencies. Budget: \$2.5 million.

1985-1989:

Vice President, Public Relations

THE TRAVELERS CORPORATION

Hartford, CT

NYSE-listed insurance and financial services company. Strategy development, execution, oversight for corporate and marketing public relations. Functional responsibilities: media relations,

financial communications including annual report, internal communications, speechwriting, corporate identification program, marketing public relations, newsletter services (desktop publishing). Staff: 25 internal, outside agencies. Budget: \$4 million.

1978-1985:

Director of Corporate Communications

CHESEBROUGH-POND'S INC.

Greenwich, CT

NYSE-listed international branded consumer products company.

Responsible for financial communications including annual report, media relations, employee communications, speechwriting, corporate advertising, audio-visual presentations. Staff: 4, internal, outside agencies. Budget: \$2 million.

1968-1978:

Second Vice President, Corporate/Marketing Communications  
(1977-1978)

Assistant Vice President, Advertising/Sales Promotion (1973-1977)

Director of Corporate Communications (1970-1973)

Editor of Field Publications (1968-1970)

NEW ENGLAND MUTUAL LIFE INSURANCE COMPANY

Boston, MA

Responsibilities included advertising, sales promotion collateral, direct response, sales contests, conference staging, editorial services, employee communications, annual report, speechwriting, TV studio, graphic design, photography. Staffs: 3-25 internal, outside agencies. Budgets: \$200,000-\$4 million.

1967-1968:

Editor of Field Publications

STATE MUTUAL LIFE ASSURANCE COMPANY OF  
AMERICA

Worcester, MA

1964-1967:

Layout Editor, The Wall Street Journal  
DOW JONES & COMPANY, INC.  
Chicopee, MA

1964:

General Assignments Reporter, The Springfield Union  
SPRINGFIELD NEWSPAPERS, INC.  
Springfield, MA

## **EDUCATION:**

Chicopee High School  
Chicopee, MA  
Graduated 1960

Amherst College  
Amherst, MA  
Graduated 1964, BA degree in English Literature.

*Ron Ziembra*  
*58 Lime Street, Unit 1*  
*Newburyport, MA 01950*  
*413-575-5699*  
*Ziembaron@gmail.com*

--  
Ron Ziembra 58 Lime Street, Unit #1 Newburyport MA 01950 413-575-5699 [Ziembaron@gmail.com](mailto:Ziembaron@gmail.com)





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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2018 MAR 29 PM 4:59

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 28, 2018  
Re: Appointment

*Donna D. Holaday*

-----  
I hereby appoint, subject to your approval, the following named individual as a, Special Police Officer. This term shall expire on March 1, 2020.

Paul Hogg  
4 Coltin Drive  
Newburyport, MA 01950



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

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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 28, 2018  
Re: Re-Appointment

*Donna D. Holaday*

---

I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbormaster/Shellfish Constable and Special Police Officer. This term will expire on March 1, 2021.

Johnny Walker (Capt.)  
64A Boardman Street  
Newburyport, MA 01950



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

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2018 MAR 29 PM 4:59

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 28, 2018

Subject: Re-Appointment

*Donna D. Holaday*

-----  
I hereby re-appoint, subject to your approval, the following named individual as a member of the Parks Commission. This term will expire on May 1, 2023.

Karen Popken  
49 Boardman Street  
Newburyport, MA 01950



CITY OF NEWBURYPORT CITY CLERK'S OFFICE  
OFFICE OF THE MAYOR NEWBURYPORT, MA  
DONNA D. HOLADAY, MAYOR

2018 MAR 29 PM 4:58

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 29, 2018  
Re: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as an Alternate Member of the Tree Commission. This term shall expire on May 1, 2019.

Kathryn L. Haried  
100 High Street  
Newburyport, MA 01950



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

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NEWBURYPORT, MA  
2018 MAR 29 PM 4:58

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 29, 2018  
Re: Re-Appointment

-----  
I hereby re-appoint, subject to your approval, the following named individual as an alternate member of the Tree Commission. This term shall expire on May 1, 2021.

Kim Kudym  
44 Hale Street  
Newburyport, MA 01950





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

RECEIVED  
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NEWBURYPORT, MA

2018 MAR 29 PM 4: 58

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

*Donna D. Holaday*

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: March 29, 2018  
Re: Re-Appointment

-----  
I hereby re-appoint, subject to your approval, the following named individual as a member of the Tree Commission. This term shall expire on June 1, 2021.

Jane Niebling  
45 Temple Street  
Newburyport, MA 01950



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2018 MAR 29 PM 4:59

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 28, 2018

Subject: Re-Appointment

*Donna D. Holaday*

*Kevin*

I hereby re-appoint, subject to your approval, the following named individual as Veterans Agent for Newburyport. This term will expire on April 1, 2019.

Kevin Hunt  
14 Tenth Street  
Newburyport, MA 01950



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

RECEIVED  
CITY CLERK'S OFFICE  
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2018 MAR 29 PM 4:59

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 28, 2018

Subject: Re-Appointment

-----

I hereby re-appoint, subject to your approval, the following  
named individual as Assistant Wiring Inspector. This term  
will expire on May 1, 2019.

Barry J. McBride  
5 Pine Street  
Salisbury, MA 01952



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

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NEWBURYPORT, MA

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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 29, 2018  
Subject: Re-Appointment

-----  
I hereby re-appoint, subject to your approval, the following named individual as a member of the Licensing Board. This term will expire on June 1, 2024.

Gregg M. Ogden  
6 Merrill Street  
Newburyport, MA 01950



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

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CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2018 MAR 29 PH 4:58

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

*Donna D. Holaday*

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: March 29, 2018  
Subject: Re-Appointment

*Donna D. Holaday*

-----  
I hereby re-appoint, subject to your approval, the following named individual as a member of the License Commission. This term will expire on June 1, 2024.

Ted Waldron  
12 Frances Drive  
Newburyport, MA 01950



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

**APPOINTMENTS  
SECOND READING**

## SECOND READING APPOINTMENTS

- **APPT020\_03\_26\_18** Yvonne McQuilkin 39 Purchase St Council on Aging 5/31/2023

Motion to approve the Consent Agenda by Councillor Zeid, seconded by Councillor Giunta. Roll call vote, 11 yes. Motion passed.

# ORDERS

## CITY OF NEWBURYPORT




---

 IN CITY COUNCIL

ORDERED:

Date: April 9, 2018

**THAT** pursuant to the CITY OF NEWBURYPORT Code of Ordinances Section 13-180.1.(f)(1) and Section 13-166 the CITY COUNCIL of the CITY OF NEWBURYPORT hereby amends and approves the following schedule of parking fees and fines in the paid parking lots subject to introductory and time-limited discount incentive rates for paid parking permits pursuant to regulations promulgated by the Parking Clerk as described in Section 13-180.1.(f)(2):

Resident Annual Permit - Paid Parking Lots	\$25.00
Senior Resident Annual Permit - Paid Parking Lots	\$5.00
Employee Annual Permit for Paid Parking Lots (\$40.00 quarterly)	\$160.00
Hourly fee for the Waterfront Trust lot, the NRA East & West lots, the State St Lot , Parking Garage	\$1.00
Hourly fee for the Green St Lot, Prince Place Lot & Hales Ct Lot	\$1.50
Resident Monthly Pass for the Garage	\$60.00
Non-Resident Monthly Pass for the Garage	\$80.00
Fine for Non-Display, Non-Payment, or Overtime Violation	\$25.00
On-Street Resident Annual Parking Permit	\$5.00

The above schedule of parking fees and fines shall be effective on or before Sunday, July 1, 2018.

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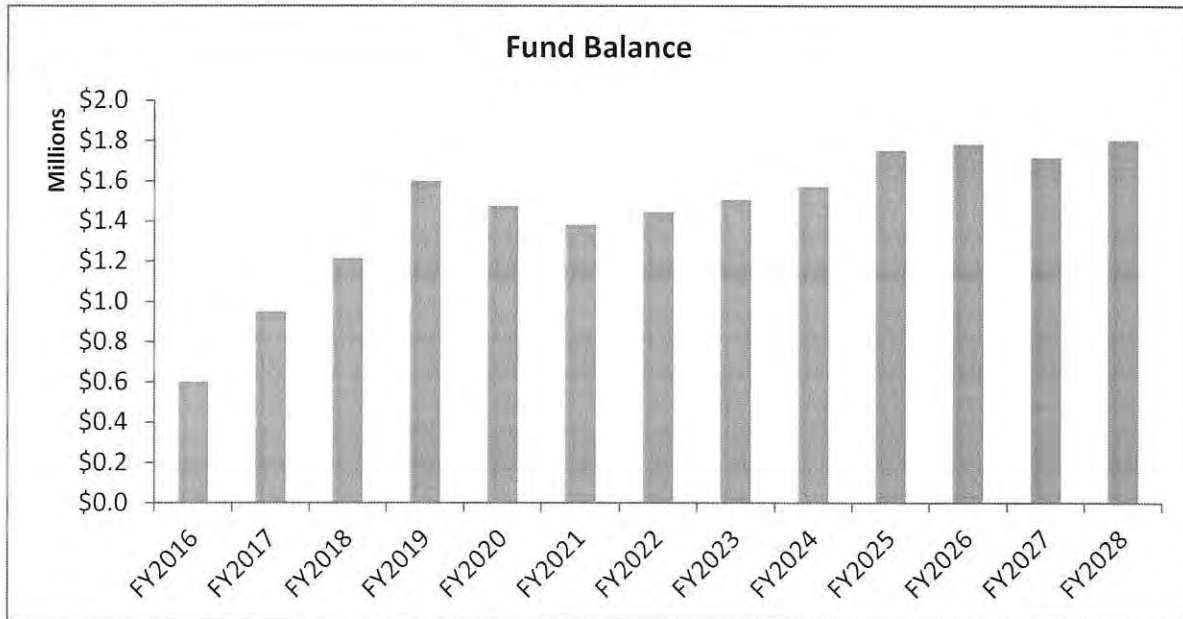
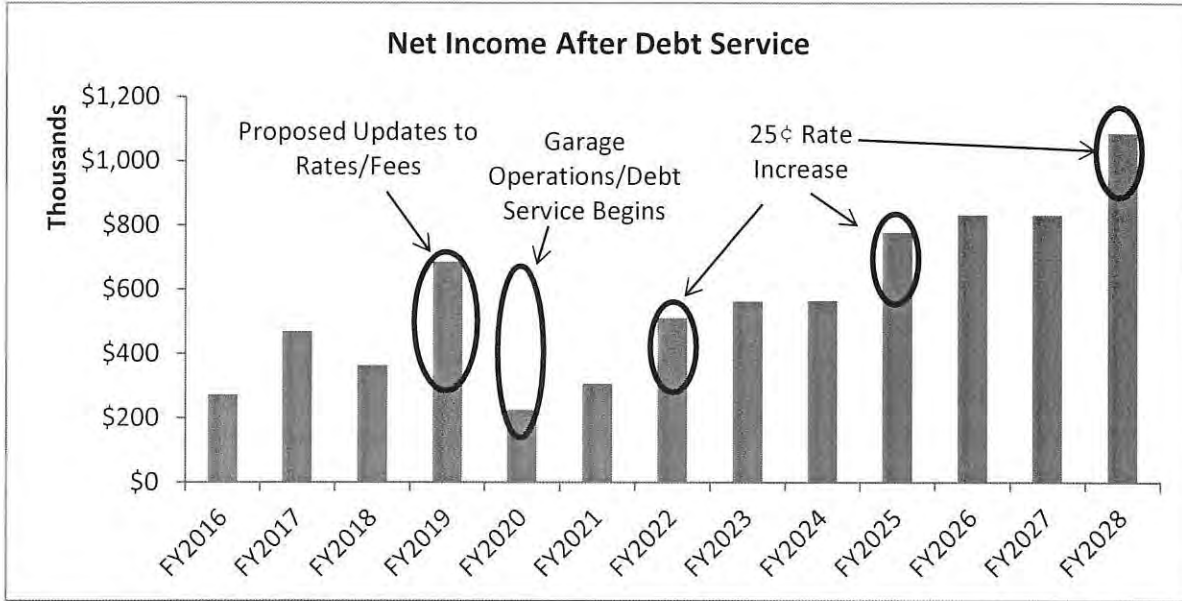
 Councillor Charles F. Tontar



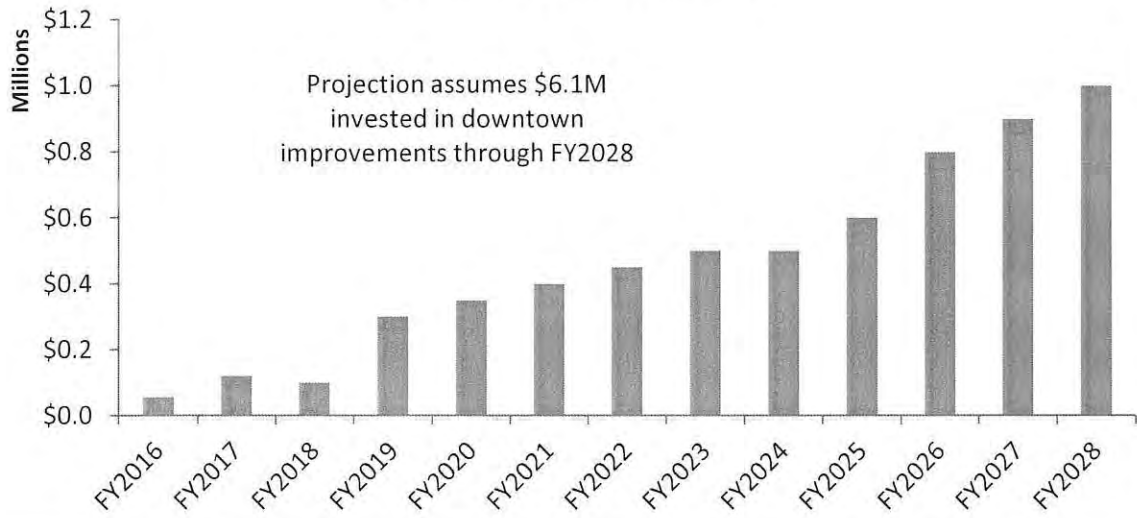
## Paid Parking Financial Projection Summary Updated April 2, 2018

### Fee/Rate Recommendations from Parking Advisory Committee

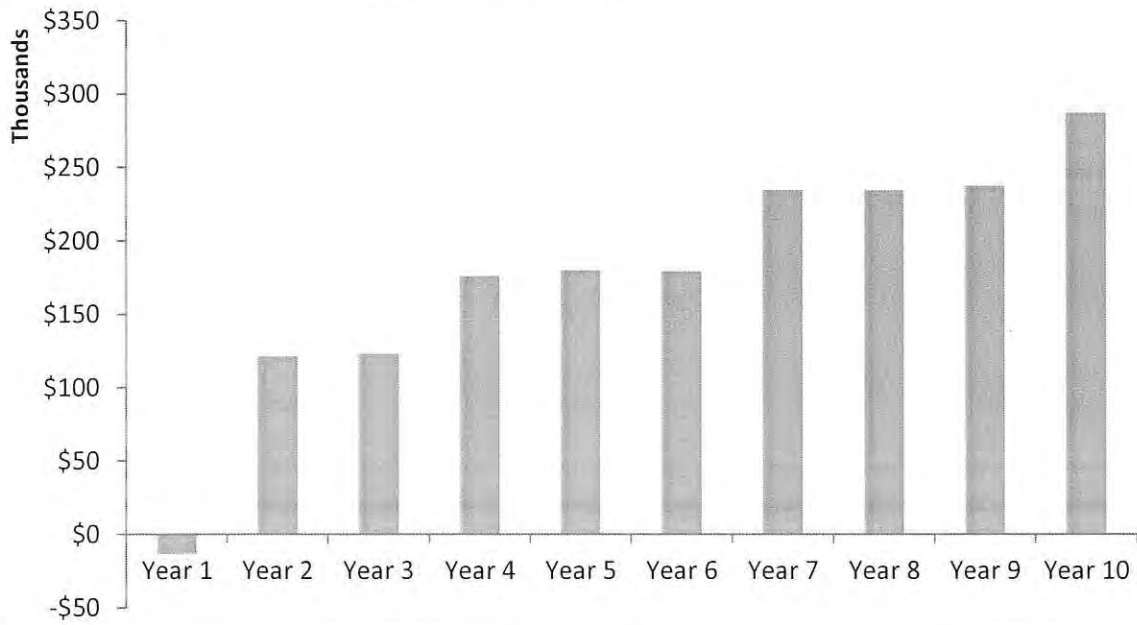
Permits (\$160 employee, \$25 resident, \$5 senior)	\$87,000
Premium Rate of \$1.50/hr (Green St, Prince Pl, Hales Ct)	\$161,000
Extend Hours from 6pm to 8pm	\$97,000
Fines \$15 to \$25 per Violation	\$200,000
<b>Total Proposed Fee/Rate Updates</b>	<b>\$545,000</b>



### Downtown Improvements



### Parking Garage Net Income



**Downtown Parking Program  
Financial Projection**

**For Illustrative Purposes Only**

Updated April 2, 2018

	Actual FY2016	Actual FY2017	Estimated FY2018	Projected FY2019	Projected FY2020	Projected FY2021	Projected FY2022	Projected FY2023	Projected FY2024	Projected FY2025	Projected FY2026	Projected FY2027	Projected FY2028
<b>Revenue</b>													
Annual Parking Permits <sup>(1)</sup>	53,558	83,178	48,099	129,500	129,500	129,500	167,500	167,500	167,500	221,875	221,875	221,875	281,500
Parking Fines	249,599	324,184	264,971	500,000	437,500	375,000	450,000	450,000	450,000	525,000	525,000	525,000	600,000
Other Sources	2,811	6,505	6,505	6,505	6,505	6,505	6,505	6,505	6,505	6,505	6,505	6,505	6,505
Parking Meter Revenue <sup>(2)</sup>	275,085	394,574	401,136	623,791	632,108	640,425	736,610	746,432	756,253	849,430	860,756	872,081	962,249
Garage Revenue <sup>(3)</sup>	0	0	0	0	146,073	284,421	290,111	346,764	354,326	357,689	417,196	421,232	428,267
<b>Gross Revenue</b>	<b>581,053</b>	<b>808,441</b>	<b>720,712</b>	<b>1,259,796</b>	<b>1,351,687</b>	<b>1,435,852</b>	<b>1,650,727</b>	<b>1,717,201</b>	<b>1,734,585</b>	<b>1,960,499</b>	<b>2,031,332</b>	<b>2,046,693</b>	<b>2,278,522</b>
<b>Hourly Rate</b>													
Regular	\$ 0.50	\$ 1.00	\$ 1.00	\$ 1.00	\$ 1.00	\$ 1.00	\$ 1.25	\$ 1.25	\$ 1.25	\$ 1.50	\$ 1.50	\$ 1.50	\$ 1.75
Premium	\$ 0.50	\$ 1.00	\$ 1.00	\$ 1.50	\$ 1.50	\$ 1.50	\$ 1.75	\$ 1.75	\$ 1.75	\$ 2.00	\$ 2.00	\$ 2.00	\$ 2.25
<b>Occupancy</b>													
Enforcement (hours)	10	10	10	12	12	12	12	12	12	12	12	12	12
Occupancy (Hours)	501,420	394,574	401,136	451,278	457,295	463,312	451,278	457,295	463,312	451,278	457,295	463,312	451,278
Demand Factor	1.00	0.79	0.80	0.75	0.76	0.77	0.75	0.76	0.77	0.75	0.76	0.77	0.75
Demand Factor = # Hours occupied ÷ Average occupancy from FY14-16													
<b>Permits (cost)</b>													
Employee (per year)	\$ 100.00	\$ 100.00	\$ 100.00	\$ 160.00	\$ 160.00	\$ 160.00	\$ 170.00	\$ 170.00	\$ 170.00	\$ 185.00	\$ 185.00	\$ 185.00	\$ 200.00
Resident (per 2 years)	\$ -	\$ 10.00	\$ -	\$ 25.00	\$ 25.00	\$ 25.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 50.00	\$ 50.00	\$ 50.00	\$ 65.00
Senior Resident (per 2 years)	\$ -	\$ -	\$ -	\$ 5.00	\$ 5.00	\$ 5.00	\$ 7.50	\$ 7.50	\$ 7.50	\$ 10.00	\$ 10.00	\$ 10.00	\$ 15.00
RPP (per year)	\$ -	\$ -	\$ -	\$ 5.00	\$ 5.00	\$ 5.00	\$ 7.50	\$ 7.50	\$ 7.50	\$ 10.00	\$ 10.00	\$ 10.00	\$ 15.00
<b>Permit Counts</b>													
Employee	390	441	445	275	275	275	275	275	275	275	275	275	275
Resident	0	6,350	0	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000	3,000
Senior Resident	0	4,025	0	1,750	1,750	1,750	1,750	1,750	1,750	1,750	1,750	1,750	1,750
RPP	450	450	450	350	350	350	350	350	350	350	350	350	350
<b>Space Counts</b>													
Riverside Park	58	58	58	58	58	58	58	58	58	58	58	58	58
Green Street Lot	227	227	227	227	227	227	227	227	227	227	227	227	227
Prince Place/Hales Court Lot <sup>(4)</sup>	44	44	62	62	62	62	62	62	62	62	62	62	62
Harris Street Lot	31	31	31	31	31	31	31	31	31	31	31	31	31
Intermodal Facility	0	0	0	0	207	207	207	207	207	207	207	207	207
<b>Total Off-Street Spaces</b>	<b>360</b>	<b>360</b>	<b>378</b>	<b>378</b>	<b>585</b>	<b>585</b>	<b>585</b>	<b>585</b>	<b>585</b>	<b>585</b>	<b>585</b>	<b>585</b>	<b>585</b>
<i>Downtown On-Street Spaces</i>	<i>923</i>	<i>923</i>	<i>923</i>	<i>923</i>	<i>923</i>	<i>923</i>	<i>923</i>	<i>923</i>	<i>923</i>	<i>923</i>	<i>923</i>	<i>923</i>	<i>923</i>
<i>NRA Lots</i>	<i>360</i>	<i>360</i>	<i>360</i>	<i>360</i>	<i>210</i>	<i>210</i>	<i>210</i>	<i>210</i>	<i>210</i>	<i>210</i>	<i>210</i>	<i>210</i>	<i>210</i>
<b>Total Downtown Parking Spaces</b>	<b>1,643</b>	<b>1,643</b>	<b>1,661</b>	<b>1,661</b>	<b>1,718</b>	<b>1,718</b>	<b>1,718</b>	<b>1,718</b>	<b>1,718</b>	<b>1,718</b>	<b>1,718</b>	<b>1,718</b>	<b>1,718</b>
Fine	\$ 15.00	\$ 15.00	\$ 15.00	\$ 25.00	\$ 25.00	\$ 25.00	\$ 30.00	\$ 30.00	\$ 30.00	\$ 35.00	\$ 35.00	\$ 35.00	\$ 40.00
# Violations <sup>(5)</sup>	16,640	21,612	17,665	20,000	17,500	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000

**Notes:**

- (1) Two year average for FY2018. Permit counts and rates as shown in out years.
- (2) Excludes NRA lot revenue. Demand factor assumptions as shown. FY17 = Actual. Out years projected based on decrease in demand experienced going from \$0.50 to \$1.00.
- (3) See attached projection for the Parking Garage.
- (4) Increases by 18 spaces from lease of Hales Court lot from USPS.
- (5) FY18 = Three year average. FY19 increase due to implementation LPR system.

Reduction of 150 spaces from waterfront

**Downtown Parking Program  
Financial Projection**

**For Illustrative Purposes Only**

Updated April 2, 2018

	Actual FY2016	Actual FY2017	Estimated FY2018	Projected FY2019	Projected FY2020	Projected FY2021	Projected FY2022	Projected FY2023	Projected FY2024	Projected FY2025	Projected FY2026	Projected FY2027	Projected FY2028
<b>Expenses</b>													
Personnel Services <sup>(1)</sup>	122,637	131,497	136,309	141,176	146,103	151,172	156,358	161,689	167,187	172,871	178,731	184,790	191,055
Purchase of Services <sup>(2)</sup>	151,031	136,853	139,562	142,354	145,201	148,090	151,022	154,013	157,062	160,172	163,343	166,578	169,876
Waterfront Trust Agreement	34,250	70,000	70,000	70,000	70,000	70,000	70,000	70,000	70,000	70,000	70,000	70,000	70,000
Garage Operations <sup>(3)</sup>	0	0	0	0	159,404	163,063	166,787	170,582	174,442	178,388	182,426	186,560	190,791
R/E Taxes 90 Pleasant St. <sup>(4)</sup>	0	0	11,013	11,288	11,570	11,859	12,156	12,460	12,771	13,091	13,418	13,753	14,097
<b>Total Expenses</b>	<b>307,918</b>	<b>338,349</b>	<b>356,884</b>	<b>364,817</b>	<b>532,277</b>	<b>544,185</b>	<b>556,323</b>	<b>568,744</b>	<b>581,462</b>	<b>594,522</b>	<b>607,918</b>	<b>621,681</b>	<b>635,818</b>
<b>Expense Assumptions</b>													
Hourly Labor Costs <sup>(5)</sup>	3.0%	3.6%	3.7%	3.6%	3.5%	3.5%	3.4%	3.4%	3.4%	3.4%	3.4%	3.4%	3.4%
Price Inflation <sup>(6)</sup>	1.5%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
<b>Net Operating Income</b>	<b>273,135</b>	<b>470,092</b>	<b>363,827</b>	<b>894,979</b>	<b>819,409</b>	<b>891,667</b>	<b>1,094,404</b>	<b>1,148,457</b>	<b>1,153,123</b>	<b>1,365,977</b>	<b>1,423,414</b>	<b>1,425,012</b>	<b>1,642,703</b>
Debt Service <sup>(7)</sup>	0	0	0	0	395,496	395,496	395,496	395,496	395,496	395,496	395,496	395,496	395,496
Maintenance Fund <sup>(8)</sup>	0	0	0	120,000	122,400	124,836	127,308	129,828	132,399	135,020	137,694	140,420	143,200
<b>Net Income</b>	<b>273,135</b>	<b>470,092</b>	<b>363,827</b>	<b>774,979</b>	<b>301,513</b>	<b>371,335</b>	<b>571,600</b>	<b>623,133</b>	<b>625,228</b>	<b>835,461</b>	<b>890,224</b>	<b>889,096</b>	<b>1,104,007</b>
<b>Downtown Capital Improvements</b>	<b>55,905</b>	<b>120,676</b>	<b>100,000</b>	<b>300,000</b>	<b>350,000</b>	<b>400,000</b>	<b>450,000</b>	<b>500,000</b>	<b>500,000</b>	<b>600,000</b>	<b>800,000</b>	<b>900,000</b>	<b>1,000,000</b>
<b>Ending Fund Balance</b>	<b>602,440</b>	<b>951,855</b>	<b>1,215,683</b>	<b>1,690,662</b>	<b>1,642,175</b>	<b>1,613,510</b>	<b>1,735,111</b>	<b>1,858,243</b>	<b>1,983,471</b>	<b>2,218,932</b>	<b>2,309,157</b>	<b>2,298,253</b>	<b>2,402,260</b>

Investments in Downtown Improvements

**Notes:**

- (1) Based on FY17 actuals and increases in Hourly Labor Costs as shown.
- (2) Based on FY17 actuals and increases in prices (Inflation) as shown.
- (3) See attached projection for the Parking Garage.
- (4) Based on 75% of the FY18 tax bill of \$14,683, increasing by 2.5% per year. There will still be taxable property at 90 Pleasant Street following the land acquisition for the Intermodal Facility.
- (5) Source: Bureau of Labor Statistics. Hourly labor compensation is measured by the employment cost index for total compensation (wages, salaries, benefits) of workers in private industry.
- (6) Source: Bureau of Economic Analysis. The overall inflation rate is based on the price index for personal consumption expenditures; the core rate excludes prices for food and energy.
- (7) Funds a \$6,518,372 bond issue over 25 years.
- (8) \$120,000 per year with inflation.



**Parking Garage Operations Projection**

**For Illustrative Purposes Only**

**Revenue**

Transient Parkers	% Filled	# Days	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Fall	50%	88	27,324	55,377	56,105	68,310	69,221	70,132	81,972	83,065	84,158	95,634
Winter	15%	88	8,197	16,613	16,832	20,493	20,766	21,039	24,592	24,919	25,247	28,690
Spring	50%	89	27,635	56,006	56,743	69,086	70,007	70,929	82,904	84,009	85,114	96,721
Summer	75%	81	37,726	76,458	77,464	94,314	95,572	96,829	113,177	114,686	116,195	132,040
Special Events	100%	14	11,592	46,368	46,368	57,960	57,960	57,960	69,552	69,552	69,552	81,144
<b>Total Transient</b>			<b>112,473</b>	<b>250,821</b>	<b>253,511</b>	<b>310,164</b>	<b>313,526</b>	<b>316,889</b>	<b>372,196</b>	<b>376,232</b>	<b>380,267</b>	<b>434,229</b>
<i>(Assumes 8 hours per filled stall per 24 hour period; Year 1 50% revenue during ramping period)</i>												
Max Rate			\$12.00	\$12.00	\$12.00	\$15.00	\$15.00	\$15.00	\$18.00	\$18.00	\$18.00	\$21.00
Hourly Rate			\$1.00	\$1.00	\$1.00	\$1.25	\$1.25	\$1.25	\$1.50	\$1.50	\$1.50	\$1.75
Special Event Rate			\$1.00	\$2.00	\$2.00	\$2.50	\$2.50	\$2.50	\$3.00	\$3.00	\$3.00	\$3.50
Demand Factor			0.75	0.76	0.77	0.75	0.76	0.77	0.75	0.76	0.77	0.75
<b>Monthly Passes</b>	<b>Count</b>											
Resident	20		14,400	14,400	15,600	15,600	18,000	18,000	20,400	20,400	21,600	21,600
Regular	20		19,200	19,200	21,000	21,000	22,800	22,800	24,600	24,600	26,400	26,400
<b>Total Monthly Passes</b>			<b>33,600</b>	<b>33,600</b>	<b>36,600</b>	<b>36,600</b>	<b>40,800</b>	<b>40,800</b>	<b>45,000</b>	<b>45,000</b>	<b>48,000</b>	<b>48,000</b>
Resident Rate (Garage)			\$60.00	\$60.00	\$65.00	\$65.00	\$75.00	\$75.00	\$85.00	\$85.00	\$90.00	\$90.00
Regular Rate (Garage)			\$80.00	\$80.00	\$87.50	\$87.50	\$95.00	\$95.00	\$102.50	\$102.50	\$110.00	\$110.00
<b>Total Revenue</b>			<b>146,073</b>	<b>284,421</b>	<b>290,111</b>	<b>346,764</b>	<b>354,326</b>	<b>357,689</b>	<b>417,196</b>	<b>421,232</b>	<b>428,267</b>	<b>482,229</b>
<i>Per Stall Revenue</i>			<i>706</i>	<i>1,374</i>	<i>1,402</i>	<i>1,675</i>	<i>1,712</i>	<i>1,728</i>	<i>2,015</i>	<i>2,035</i>	<i>2,069</i>	<i>2,330</i>

**Expense**

Personnel (1.5 FTE @ \$60,000)	30,000	31,071	32,155	33,271	34,412	35,586	36,796	38,047	39,337	40,670
Benefits	18,204	18,568	18,939	19,316	19,699	20,089	20,487	20,892	21,306	21,728
LPR System/Kiosks	60,000	61,200	62,424	63,666	64,927	66,212	67,523	68,860	70,224	71,614
Telephone	300	306	312	318	325	331	338	344	351	358
Cleaning	500	510	520	531	541	552	563	574	585	597
Security	10,000	10,200	10,404	10,611	10,821	11,035	11,254	11,477	11,704	11,936
Utilities	10,000	10,200	10,404	10,611	10,821	11,035	11,254	11,477	11,704	11,936
Repairs-Structure	5,000	5,100	5,202	5,306	5,411	5,518	5,627	5,738	5,852	5,968
Repairs-Elevator	10,000	10,200	10,404	10,611	10,821	11,035	11,254	11,477	11,704	11,936
Repairs-Parking	10,000	10,200	10,404	10,611	10,821	11,035	11,254	11,477	11,704	11,936
Materials	4,000	4,080	4,162	4,244	4,328	4,414	4,502	4,591	4,682	4,774
Janitorial Supplies	900	918	936	955	974	993	1,013	1,033	1,053	1,074
Other	500	510	520	531	541	552	563	574	585	597
<b>Total Expense</b>	<b>159,404</b>	<b>163,063</b>	<b>166,787</b>	<b>170,582</b>	<b>174,442</b>	<b>178,388</b>	<b>182,426</b>	<b>186,560</b>	<b>190,791</b>	<b>195,123</b>
Hourly Labor Costs		3.6%	3.5%	3.5%	3.4%	3.4%	3.4%	3.4%	3.4%	3.4%
Price Inflation		2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%	2.0%
<b>Net Income</b>	<b>(13,331)</b>	<b>121,358</b>	<b>123,324</b>	<b>176,181</b>	<b>179,884</b>	<b>179,301</b>	<b>234,771</b>	<b>234,671</b>	<b>237,476</b>	<b>287,106</b>

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date: April 9, 2018

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

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

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

~~No person shall park a vehicle between the hours of 8:00 a.m. to 6:00 p.m. Monday through Saturday, and Sunday between the hours of noon to 6:00 p.m. in the following described lots without first satisfying the payment required by the City of Newburyport.~~

No person shall park a vehicle between the hours of 8:00 a.m. to 8:00 p.m. Monday through Saturday, and Sunday between the hours of noon to 8:00 p.m. in the following described lots without first satisfying the payment required by the City of Newburyport. This amendment shall take effect on Sunday, July 1, 2018.

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

CITY OF NEWBURYPORT



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IN CITY COUNCIL

ORDERED:

April 9, 2018

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

**THAT** the City of Newburyport, acting by and through its City Council, hereby accept the provisions of Massachusetts General Laws (MGL) Chapter 64N, Section 3, and impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the City of Newburyport to anyone other than a marijuana establishment at a rate of three per cent (3%) of the total sales price received by the marijuana retailer as consideration for the sale of marijuana or marijuana products.

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Councillor Charles F. Tontar

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

April 9, 2018

AN ORDER TO ADD CERTAIN STREETS TO THE TWO-HOUR RESIDENTIAL PARKING PROGRAM

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

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

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

- (3) *Zone 4*: Includes the following streets or portions thereof designated:
  - a. Arlington Street, both sides from Highland Avenue to the northerly end of those properties known as #23 and #24 on each side of the street respectively.
  - b. Lafayette Street, both sides from Highland Avenue to the northerly end of those properties known as #18 and #25 on each side of the street respectively.
  - c. Cherry Street.
  - d. Hill Street.
  - e. Bricher Street.
  - f. Titcomb Street, both sides from the way known as Brown Square to Washington Street.
  - g. Green Street, on the west side running in a northerly direction from Washington Street for a distance of one hundred (100) feet.

- h. Washington Street, on the northerly side running in a westerly direction from Green Street to Market Street for a distance of one hundred twenty (120) feet, and on the southerly side from Court Street to Market Street.
- i. Pleasant Street, both sides from the property at 66 Pleasant Street to ~~Fitch~~Market Street.
- j. Winter Street, beginning at the corner of Washington Street and proceeding southerly on Winter Street to High Street.
- k. State Street, beginning at 184 State Street and proceeding southerly to the end of said State Street on the westerly side.
- l. Market Street, from Merrimac Street to Washington Street.
- m. Court Street.

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Councillor Jared J. Eigerman



CITY OF NEWBURYPORT



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

ORDERED:

**Order Relative to a Special Act to  
Dissolve Newburyport Redevelopment Authority (NRA)**

That the City Council of the City of Newburyport hereby authorizes the Mayor, on behalf of the City, to submit a Home Rule Petition to the General Court of the Commonwealth of Massachusetts to enact a Special Act for the City of Newburyport in the manner described below, and for the purposes of dissolving the Newburyport Redevelopment Authority (NRA), provided that the General Court may make clerical or editorial changes of form only to the bill, unless the Mayor approves amendments to the bill before enactment by the General Court, and to further authorize the Mayor to act on behalf of the City relative to any inquiries and/or changes made by the General Court concerning the proposed Special Act, and to approve amendments which shall be within the scope of the general public objectives of the petition.

\_\_\_\_\_  
Councillor Sharif I. Zeid, Ward 1

\_\_\_\_\_  
Councillor Larry G. Giunta, Ward 5

\_\_\_\_\_  
Councillor Gregory D. Earls, At-Large

\_\_\_\_\_  
Councillor Joseph H. Devlin, At-Large

## A SPECIAL ACT TO DISSOLVE THE NEWBURYPORT REDEVELOPMENT AUTHORITY

Whereas, the City Council of the City of Newburyport voted on February 1, 1960, to create a redevelopment authority, as contemplated by Massachusetts General Laws (MGL) Chapter 121B, now known as the Newburyport Redevelopment Authority (NRA), for the purposes of accomplishing urban renewal objectives, such as the removal of substandard buildings and blight, providing land for public uses, ensuring adequate public amenities and infrastructure, removing impediments to land acquisition and disposition for redevelopment, promoting economic development, and ensuring the preservation and integration of architectural and urban character in historic downtown Newburyport, and

Whereas, the originally cited purposes for establishing the NRA, including redevelopment, economic revitalization, and removal of blight has since been substantially realized in downtown Newburyport, and maintained without continued assistance from the NRA by way of local regulation, historic preservation, economic development and tourism, and

Whereas, the Urban Renewal Plan of said NRA, entitled "Newburyport Central Business Urban Renewal Project" (Mass R-80), dated April 26, 1965, as amended, expired effective 2005, approximately 13 years ago, and is no longer a valid or legal basis for NRA activities under MGL Chapter 121B, Section 48, or otherwise, and

Whereas, the real property acquired by said NRA, by purchase and by eminent domain for public purposes, pursuant to said Massachusetts General Laws (MGL) Chapter 121B and said expired Urban Renewal Plan, was intended to be redeveloped for the purposes of accomplishing urban renewal objectives such as the removal of substandard buildings and blight, providing land for public uses, ensuring adequate public amenities and infrastructure, removing impediments to land acquisition and disposition for redevelopment, promoting economic development, and ensuring the preservation and integration of architectural and urban character in historic downtown Newburyport, and

Whereas, pursuant to MGL Chapter 121B, Section 16, the real estate and tangible personal property of the NRA shall be deemed to be public property used for essential public and governmental purposes, and shall be exempt from taxation and from betterments and special assessments, and

Whereas, the City Council has made substantial multi-year, good-faith effort to negotiate a reasonable settlement of disputes related to future use of the NRA's properties, most recently through nearly two years of public hearings and multilateral negotiations through an ad-hoc committee formed by then-City Council President Thomas F. O'Brien, which resulted in a two-

page settlement framework, approved unanimously by the City Council on May 30th, 2017 (May 2017 Order), and

Whereas, the NRA voted on March 14, 2018, to transfer its real property to third-parties, including to a nonpublic institution, without authorization under any urban renewal plan, or any other project which the NRA is authorized to undertake under MGL Chapter 121B, nor in compliance with the uniform procurement act established pursuant to MGL Chapter 30B, the state finance provisions established pursuant to MGL Chapter 29, nor consistently with the May 2017 Order, and

Whereas, under that certain confirmatory declaration of trust dated January 28, 1991, as revised (Trust Declaration), the Newburyport Waterfront Trust already controls significant real property located adjacent to the real property currently controlled by the NRA, and

Whereas, the purpose of the Newburyport Waterfront Trust is to hold, manage, maintain, conserve and utilize its real property for use and enjoyment by the public in perpetuity, with free access of the public to and from such real property as “public trust lands,” forever, and

The trustees of the Newburyport Waterfront Trust are appointed by the Mayor with the approval of the City Council, and

Whereas, consistent with the May 2017 Order and all applicable law, the Mayor and the City intend to transfer virtually all of the personal and real property rights that it obtains from the NRA to the Newburyport Waterfront Trust, consistent with the May 2017 Order and immediately upon the satisfaction of certain conditions precedent specified in the May 2017 Order, including amendments to the Trust Declaration.

Whereas the Mayor and the City Council of the City of Newburyport, representing the citizens of this community have petitioned the General Court relative to the same,

Now therefore, be it enacted by the Senate and the House of Representatives in General Court assembled, and by the authority of the same as follows:

#### **SECTION 1. Newburyport Redevelopment Authority Dissolved.**

Notwithstanding the provisions of Massachusetts General Laws (MGL) Chapter 121B, Section 4 and any general or special law, state agency regulations or guidelines to the contrary, the Newburyport Redevelopment Authority (NRA), established on February 1, 1960, by vote of the Newburyport City Council pursuant to said Chapter 121B, Section 4 is hereby dissolved, and no approval from the Department of Housing and Community Development (DHCD) or any other state agency shall be necessary to effect the same, except that upon passage of this

chapter, the Clerk of the City of Newburyport shall provide a copy of this chapter to the State Secretary and said Newburyport Redevelopment Authority shall be dissolved forthwith.

Notwithstanding the provisions of Massachusetts General Laws (MGL) Chapter 155, Section 51, the Newburyport Redevelopment Authority (NRA) shall be dissolved immediately and shall not be continued as a body corporate after the effective date of this chapter.

## **SECTION 2. Ownership Interests.**

Notwithstanding any general or special law, state agency regulations or guidelines to the contrary, the entirety, without exception, of all personal and real property interests held by the Newburyport Redevelopment Authority (NRA) are hereby transferred and conveyed to, and shall be vested in, the City of Newburyport to be held solely for the same public uses as exist at the time of transfer, and until such time as the Mayor, a two-thirds, super-majority of the City Council, and the trustees of the Newburyport Waterfront Trust, agree to the terms of the transfer and conveyance to the Newburyport Waterfront Trust of virtually all of the personal and real property rights acquired from the NRA, consistent with the terms and conditions out in the May 2017 Order.

The City may execute and deliver a certificate in a form suitable for recording referencing the passage of this chapter along with a copy of said Chapter, and the Register of Deeds for Essex County shall accept the same for recording and make a marginal reference thereto upon the record of all applicable deeds for real property heretofore owned by the NRA, as provided in summary format by the City of Newburyport. The Land Court shall also accept said certificate and a copy of this Chapter for the purposes of issuing a Certificate of Title to the City of Newburyport for any registered land heretofore owned by the Newburyport Redevelopment Authority (NRA).

## **SECTION 3. Elimination of NRA Powers.**

Notwithstanding any general or special law, state agency regulations or guidelines to the contrary, after the effective transfer and conveyance to the City of the entirety of all of NRA's personal and real property interests, as required by this chapter, all remaining powers and authorities held by the Newburyport Redevelopment Authority (NRA), without exception, and including, without limitation, the power of eminent domain, are hereby dissolved.

## **SECTION 4. Relation to Existing Statutes and Regulations.**



If any provision of this Chapter conflicts with any provisions of any general or special law, state agency regulations or guidelines, the provisions of this Chapter shall govern.

If at any point after the passage of this chapter, the City of Newburyport determines that a new redevelopment authority shall be necessary in the City for any reason, it may vote to organize a new redevelopment authority in accordance with Massachusetts General Laws (MGL) Chapter 121B, Section 4.

**SECTION 5. Records of the Newburyport Redevelopment Authority.**

All members of the Newburyport Redevelopment Authority immediately prior to the effective date of this chapter shall immediately transfer all files, legal and financial records or other materials belonging to the Newburyport Redevelopment Authority to the City of Newburyport, acting through its Office of Planning and Development. Such files, records and materials shall include any such items held by consultants or legal counsel to the NRA, without reservation.

**SECTION 6. Effective Date.**

This Chapter shall take effect upon its passage by the General Court.



**COMMITTEE ITEMS**

**April 9, 2018**  
**Committee on Budget & Finance**

1. **TRAN006\_03\_26\_18** – Health Insurance \$8,550 to GEN Travel/Training \$8,550.
2. **ORDR017\_03\_26\_18** – North End Rail Trail Gift Acceptance \$3500.



# City of Newburyport

## FY 2018

### BUDGET TRANSFER REQUEST

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2018 MAR 20 PM 1:46

**Department:** Mayor's Office  
**Submitted by:** Donna D. Holaday, Mayor **Date Submitted:** 3/26/2018

#### Transfer From:

Account Name	<u>Health Insurance</u>	YTD Bal:	<u>\$ 2,416,405.36</u>
Account Number:	<u>01914001-51700</u>	Category:	<u>\$ 2,592,919.98</u>
Amount:	<u>\$8,550.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Available:	<u>A surplus is anticipated in the health insurance line item at year-end.</u>		

#### Transfer To:

Account Name	<u>GEN Travel/Training</u>	YTD Bal:	<u>\$ 3,356.00</u>
Account Number:	<u>01129002-53004</u>	Category:	<u>\$ 49,613.01</u>
Amount:	<u>\$8,550.00</u>	Trans I/O:	<u></u>
Why are Funds Required:	<u>A Newburyport firefighter was recently accepted into the paramedic training program. The cost of tuition is \$8,550. The City currently has one medic on staff; this would increase that number to two. The employee is required to take the classes on his own time, therefore no overtime costs will be incurred.</u>		

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

Donna D. Holaday  
Ethan R. Manning

Date: 3/20/18  
 Date: 3/20/18

BF

CITY OF NEWBURYPORT



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IN CITY COUNCIL

ORDERED:

March 26, 2018

**THAT, The CITY COUNCIL of the City of Newburyport** accepts with gratitude a gift of artwork for the North End Rail Trail in the amount of \$3,500 created by artist Ryan Kelley, approved by the Parks Commission, and donated to the City by Friends of Newburyport Trees (FoNT), a 501(c)(3) organization, in accordance with M.G.L. Chapter 44, Section 53A.

---

Councillor Charles F. Tontar

APRIL 9, 2018

## **Committee Items-Planning & Development**

1. COMM122\_11\_27\_17 Mobilite Application/ Small Cell Utility Petition (re-file)
2. ORDR008\_01\_29\_18 Mobilite Grant of Location (PU)
3. ODNC004\_01\_29\_18 Amendment to Zoning Map
4. APPT021\_03\_26\_18....Donald B. Walters....15 Smith St...Planning Board...5/31/2023
5. ORDR 019\_03\_26\_18 LATE FILE Order re Easement at Evergreen Commons Subdivision



**Richard Jones**

---

**From:** Eric Kallio <EKallio@mobilitie.com>  
**Sent:** Tuesday, November 21, 2017 12:18 PM  
**To:** Richard Jones  
**Subject:** Mobilitie/Small Cell Utility Petition for Grant of Location, Intersection of Storey Avenue and Noble Street, Newburyport, MA (BS90XSD32C)  
**Attachments:** BS90XSD32C Cover Letter to Utility Petition.docx; BS90XSD32C Utility Petition and Order.docx; BS90XSD32C\_CONSTDWGS\_20171106\_A.pdf; NGRID Letter of Authorization.pdf

Good Afternoon Richard B. Jones, City Clerk, Newburyport, Massachusetts:

Attached to this email is a Utility Petition application for Mobilitie's small cell attachment to an existing wood utility pole. The location is the intersection of Storey Avenue and Noble Street. Attached are the following supporting documents.

- Cover Letter to Utility Petition
- Utility Petition and Order
- Construction Drawings
- National Grid Letter of Authorization giving permission to Mobilitie to attach to the existing utility pole

Please confirm the date that the City Council will be able to hear this petition and I will be happy to appear in front of this Council. My contact information is listed on the attached documents should any of the councilors have any questions or need additional information as part of their review.

Sincerely,

**Eric Kallio** | NRE Permitting Manager

Mobile- 978-808-8258

[ekallio@mobilitie.com](mailto:ekallio@mobilitie.com)

**mobilitie**

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

CONFIDENTIALITY NOTICE | The email message contains confidential and proprietary information, including all attachments (if any) to this email even if such attachments are not separately marked as confidential and/or proprietary. Such information is exclusively for the addressee(s) and no others, unless and to the extent expressly stated above to the contrary. If the recipient of this email is not the addressee, such recipient is prohibited from reading or using this message in any way. If you have received this message by mistake, please call us immediately and destroy the email message and all attachments.

A/C  
P/W

## CITY OF NEWBURYPORT



IN CITY COUNCIL

**ORDERED:**

January 29, 2018

**THAT, The CITY COUNCIL of the City of Newburyport** hereby approves the following Grant of Location:

**Grantee:**

Mobilitie, LLC  
660 Newport Center Drive, STE 200  
Newport Beach, CA 92660

**Grant Period:**

For a period of 10 years from the date of Newburyport City Council Approval. If Grantee fails to commence construction at this Grant of Location within 12 months from approval, then the Grant shall be considered invalid.

**Grant:**

The grant allows the Grantee to install a single small cell facility as detailed in plans on file with the Newburyport City Clerk, at two locations. Such equipment shall be powered from the pole and no wiring shall be trenched or brought to the pole.

**Granted Locations:**

- 1) Existing utility pole located at the following GPS coordinates: 42.815290/-70.891645 with nearest street intersection Tilton St. and Rawson Ave.
- 2) Existing utility pole located at the following GPS coordinates: 42.8206658/-70.907972 with nearest street intersection Storey Ave. and Noble St.

**Terms and Conditions:**

- 1) The Grant is solely for the locations shown above and for the equipment detailed in the plans on file with the Newburyport City Clerk. Deviations are not permitted without further approval by the City Council.
- 2) The Grant is specific to the Grantee and is non-transferrable without further approval by the City Council
- 3) Grantee shall comply all other applicable local, state, and/or federal laws and regulations.
- 4) Grantee shall obtain and maintain appropriate liability coverage for the entire term of the Grant as required by the City Clerk with the City of Newburyport as an additional insured

- 5) Grantee shall maintain all equipment installed under this Grant in a state of good repair during the term of Grant, and may replace or upgrade equipment, provided that the replacement is of like size, weight, and visual impact.
- 6) The City of Newburyport assumes no liability for any construction, maintenance, or operation undertaken through this Grant.
- 7) No later than the expiration or early termination of the Grant, the Grantee shall be solely responsible to remove its equipment from the granted locations.
- 8) Such Grant is revocable by the City of Newburyport for any reason by supermajority vote of the Newburyport City Council upon notice to the Grantee (180 days for any reason, 15 days for beach of the Grant).

---

Sharif I. Zeid, Ward 1 City Councillor  
Chair, Public Utilities

pkd

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 29, 2018

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

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

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

**Section III-C -- Zoning map.**

**THAT** the Zoning Map of said Zoning Ordinance entitled "Zoning Map of the City of Newburyport" be amended pursuant to Section III-D "Changes to Zoning Map" such that the following five (5) parcels located within the City are changed from the Residential Three (R-3) District to the Business 2 (B-2) District, as depicted on the attached map entitled "Zoning Map Change – Proposed," prepared by the Office of Planning & Development, and dated January 29, 2018:

- (a) Assessor's Map/Lot 13-12 (5-7 Harris Street);
- (b) Assessor's Map/Lot 13-14 (41 Green Street);
- (c) Assessor's Map/Lot 13-15 (43-45 Green Street);
- (d) Assessor's Map/Lot 13-17 (47-49 Green Street); and
- (e) Assessor's Map/Lot 13-17 A/G (138-140 High Street).

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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2018 MAR 12 PM 3:59



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 28, 2018  
Subject: Re-Appointment

-----  
I hereby re-appoint, subject to your approval, the following named individual as a member of the Planning Board. This term will expire on May 31, 2023.

Donald B. Walters  
15 Smith Street  
Newburyport, MA 01950



pid

CITY OF NEWBURYPORT



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

March 26, 2018

**ORDERED:**

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

**THAT** consistent with and pursuant to Special Permits issued by the Newburyport Planning Board, the City Council of the City of Newburyport hereby approve, and authorizes the Mayor to accept on behalf of the City, a perpetual right and easement to enter upon land of Evergreen Commons LLC (the "Grantor") identified as Open Space 18.997 Acres  $\pm$  (the "Open Space Area") as shown upon a plan entitled "Plan of Land in Newburyport, Mass. Surveyed for Evergreen Commons LLC", dated May 2, 2017, as revised to January 9, 2018 prepared by Design Consultants, Inc., Consulting Engineers and Surveyors, 120 Middlesex Avenue, Somerville, MA 02145 (the "Plan"), for the purpose of accessing and conducting inspections of any and all monitoring wells within said Open Space Area as designated upon said Plan, for the purpose of monitoring groundwater quality during and after construction of the Port Place development by Evergreen Commons LLC (the "Subdivision"). Said Plan is recorded with the Southern Essex District Registry of Deeds in Plan Book 464, Plan 53.

Further, that the Mayor of the City of Newburyport is hereby authorized to act on behalf of the City and enter into any and all instruments or actions necessary to execute and accept this easement agreement, a copy of which is attached hereto in draft form.

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

\_\_\_\_\_  
Councillor Thomas F. OBrien

---

## EASEMENT AGREEMENT

Evergreen Commons LLC, a Massachusetts limited liability company, having an address of 487 Groton Road, Suite A, Westford, Massachusetts 01867 (the "Grantor"), the owner of property in Newburyport described in a deed recorded with the Southern Essex District Registry of Deeds in Book 36573, Page 88 and Book 36573 Page 92 (the "Grantor Land"), for nominal consideration of less than One Hundred and 00/100 Dollars (\$100.00)

Grants to the City of Newburyport, a Massachusetts municipal corporation, having an address of 60 Pleasant Street, Newburyport, Massachusetts 01950, acting by and through its Department of Public Services Water Division (the "Grantee"), with Quitclaim Covenants

The perpetual right and easement to enter upon land of the Grantor shown as Open Space 18.997 Acres  $\pm$  (the "Open Space Area") as shown upon a plan entitled "Plan of Land in Newburyport, Mass. Surveyed for Evergreen Commons LLC", dated May 2, 2017, as revised to January 9, 2018 prepared by Design Consultants, Inc., Consulting Engineers and Surveyors, 120 Middlesex Avenue, Somerville, MA 02145 (the "Plan"), for the purpose of accessing and conducting inspections of any and all monitoring wells within said Open Space Area as designated upon said Plan, for the purpose of monitoring groundwater quality during and after construction of the Port Place by Evergreen Commons LLC subdivision (the "Subdivision"). Said Plan is recorded with the Southern Essex District Registry of Deeds in Plan Book 464, Plan 53.

The Grantor further grants to the Grantee the perpetual right and easement to pass and repass, by foot and vehicle, upon the Grantor Land including, but not limited to, all private roadways of the Subdivision for said access.

In return for the perpetual easements granted herein the Grantee, prior to exercising any rights under this Agreement, shall obtain, and thereafter shall maintain in effect, a policy of public liability insurance insuring Grantee against claims on account of loss of life, bodily injury or property damage that may arise from, or be occasioned by, the use and/or exercise of rights and/or obligations under this Agreement. Such insurance policy shall name Grantor as an additional insured. Said insurance shall be carried by a financially responsible insurance company or companies qualified to do business in the Commonwealth of Massachusetts and having a single limit for loss of

life or bodily injury and for property damage of not less than \$1,000,000. Grantee shall furnish to Grantor a certificate of insurance evidencing the existence of the insurance required to be carried pursuant hereto. Such policy shall contain a provision that it shall not be cancelled or terminated without at least ten (10) days advance written notice to the Grantee.

All rights and privileges herein granted, including all benefits and burdens, shall run with the Grantor Land and shall be binding upon and inure to the benefit of the parties hereto, their respective successors and assigns.

For Grantor's title, see deed recorded with Southern Essex District Registry of Deeds in Book 36573, Page 88 and Book 36573 Page 92 .

[Signature Page Follows]

Executed as a sealed instrument this \_\_\_\_ day of March, 2018.

Evergreen Commons LLC

\_\_\_\_\_  
By:  
Its: Manager

**COMMONWEALTH OF MASSACHUSETTS**

Essex, ss.

On this \_\_\_\_ day of March, 2018, before me, the undersigned notary, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose as Manager of Evergreen Commons LLC.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

ACCEPTANCE OF EASEMENT AGREEMENT

The foregoing Easement Agreement from Evergreen Commons LLC, is hereby accepted pursuant to the authority granted by the vote of the Newburyport City Council dated \_\_\_\_\_, 201\_, an attested copy of which is recorded herewith and any other authority in any way appertaining.

EXECUTED as of this \_\_\_\_\_ day of March, 2018.

CITY OF NEWBURYPORT  
By its Mayor

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

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this \_\_\_\_\_ day of March, 2018, before me, the undersigned notary public, personally appeared Donna D. Holaday, Mayor of the City of Newburyport as aforesaid, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose on behalf of the City of Newburyport.

\_\_\_\_\_  
Notary Public  
My Commission Expires:



**April 9, 2018**  
**Committee Items-Public Safety**

1. COMM023\_03\_26\_18 Cultural Survival Bazaar - 7/21/2018-7/22/2018
2. COMM024\_03\_26\_18 Flag Day 5K - 6/16/2018
3. ODNC002\_01\_29\_18 - Noise Division to Ch 8.
4. ORDR014\_03\_12\_18 - Crosswalks on Rawson Ave and Turkey Hill Rd.

PS

## NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

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

NAME OF EVENT: Cultural Survival Bazaar

Date: July 21-22 Time: from 10am to 5pm both days  
 Rain Date: n/a Time: from --- to ---

2. Location: 100 St. Market Square

3. Description of Property: \_\_\_\_\_ Public  Private \_\_\_\_\_

4. Name of Organizer: Cultural Survival City Sponsored Event: Yes \_\_\_\_\_ No

Contact Person: Jess Cherofsky

Address: 2067 Massachusetts Ave Telephone: (617) 441-5400 x15

E-Mail: jess@cs.org Cell Phone: \_\_\_\_\_

Day of Event Contact & Phone: 845-300-7118

6. Number of Attendees Expected: 100-200 at a time

6. MA Tax Number: \_\_\_\_\_

7. Is the Event Being Advertised? yes Where? social media, press releases, mailing list

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 ~30

B. Entertainment: (Subject to City's Noise Ordinances.) 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? 5
- b) How many recycling receptacles will you be providing? 3
- 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) \$48.00/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)

# 2 Standard # 1 ADA accessible

Name of company providing the portable toilets: United Site Services

### 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.

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

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

#### Limitations

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

- (e) **"Road Closure"** No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers to notify residents ten (10) days in advance that neighborhood roads will be closed if no alternate route is available to those residents.
- (f) **"Insurance"** All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an insured. The policy shall be no less than two million dollars (\$2,000,000.00).
- (g) **"Event termination"** If in the judgment of the City Marshal, Fire Chief or Department of Public Services (DPS) Director or designees thereof determines 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 causes.
- (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: \_\_\_\_\_

3-1-18



FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

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

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

\_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_

4. Date of Event: \_\_\_\_\_ Expected Number of Participants: \_\_\_\_\_

6. Start Time: \_\_\_\_\_ Expected End Time: \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

7. Locations of Water Stops (if any): \_\_\_\_\_

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

9. Formation Location & Time for Participants: \_\_\_\_\_

10. Dismissal Location & Time for Participants: \_\_\_\_\_

11. Additional Parade Information:

• Number of Fleets: \_\_\_\_\_

• Locations of Viewing Stations: \_\_\_\_\_

• Are Weapons Being Carried: Yes \_\_\_\_\_ No \_\_\_\_\_

• Are Marshals Being Assigned to Keep Parade Moving: Yes \_\_\_\_\_ No \_\_\_\_\_

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

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

DEPUTY DIRECTOR [Signature] 15A Perry Way CITY CLERK [Signature] 60 Pleasant St.

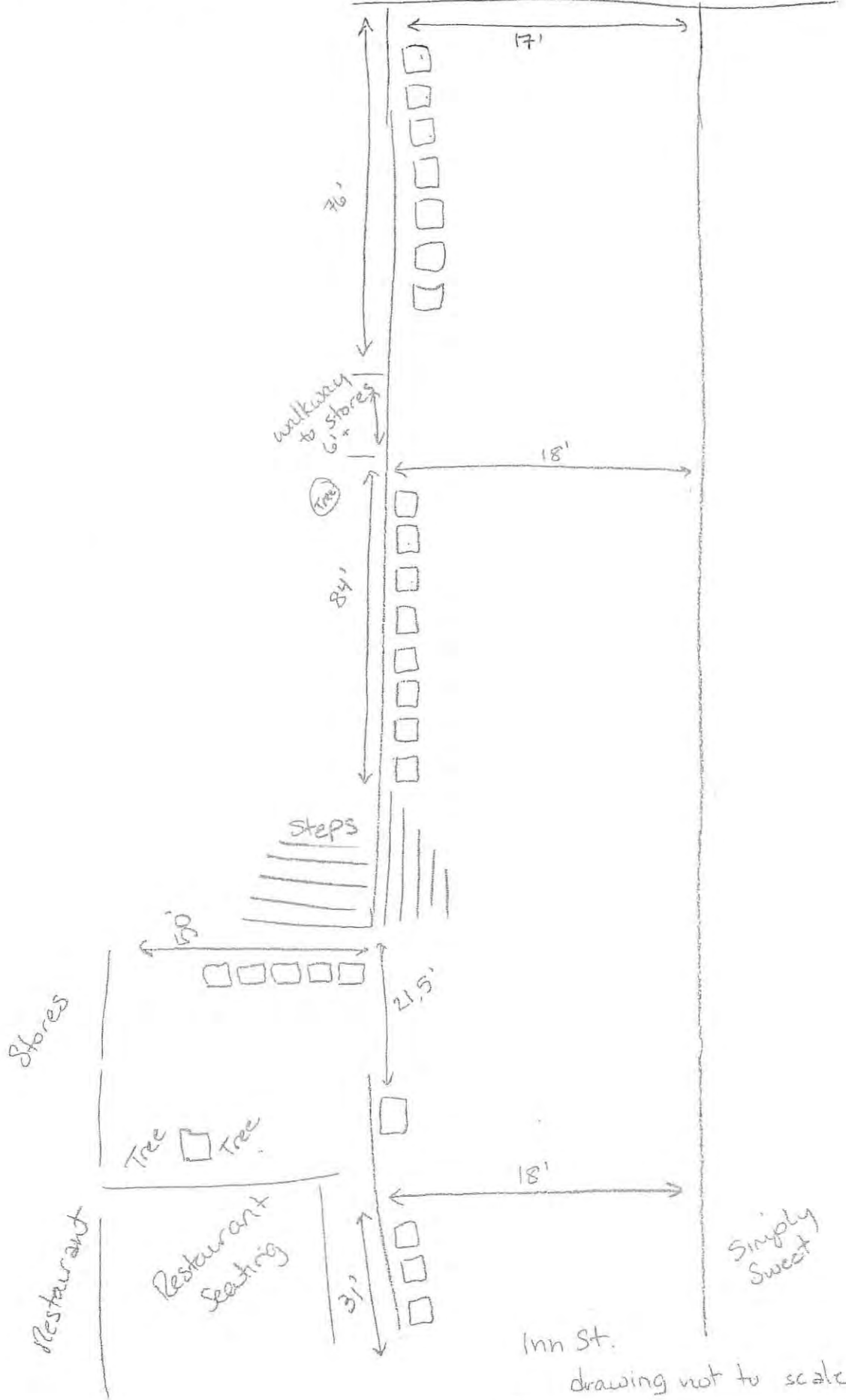
Rev. 12/13 3

Inn St. Draft Site Plan

Loretta

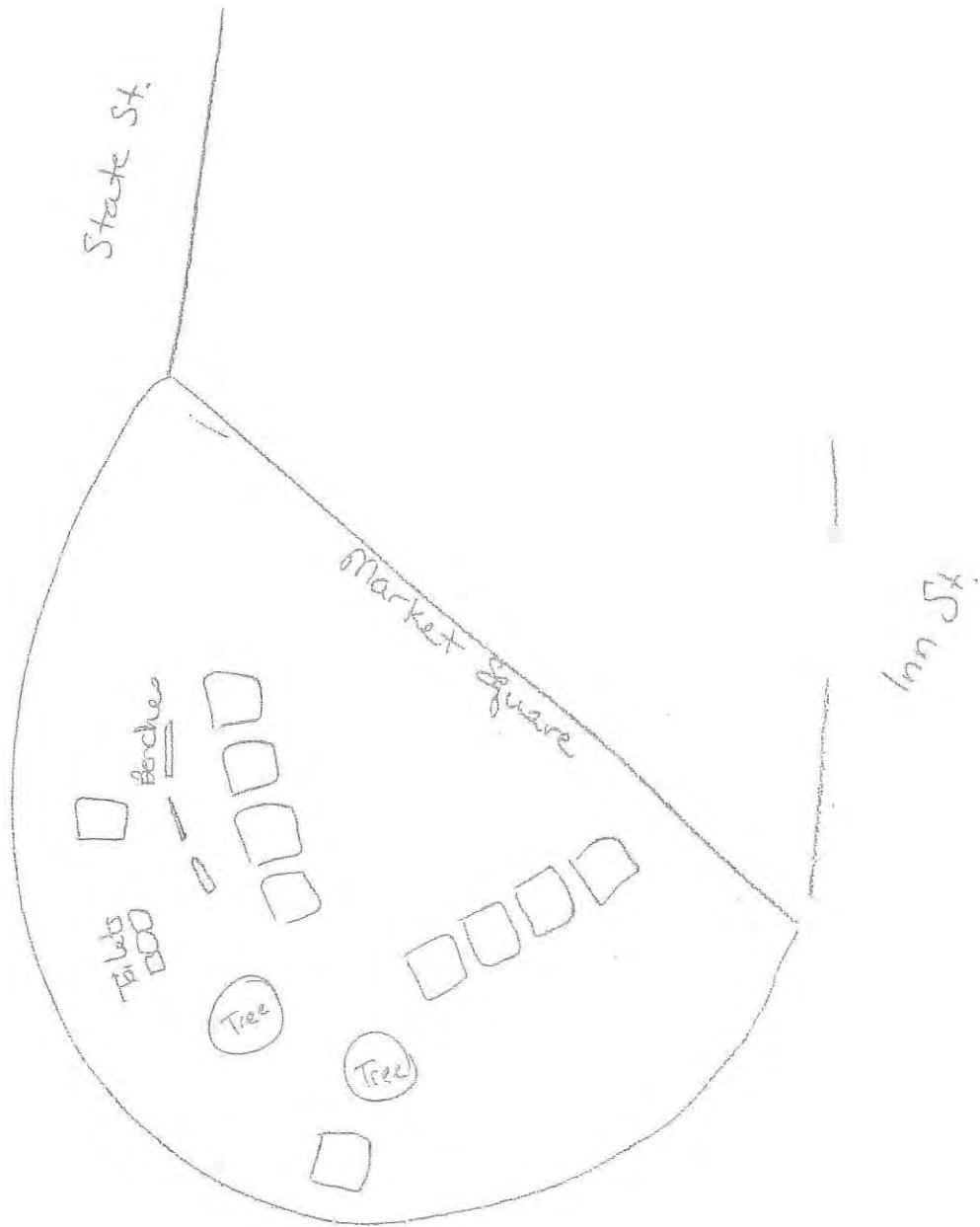
Szechuan

State Street



Inn St.  
drawing not to scale  
□ = 10' x 10' or 12' x 12' tent

# Market Square Draft Site Plan



**Katie Mahan**

---

**From:** Jess Cherofsky <jess.cherofsky@culturalsurvival.org>  
**Sent:** Tuesday, March 20, 2018 12:41 PM  
**To:** Katie Mahan  
**Subject:** Re: Special event application - signature needed  
**Attachments:** Cultural Survival insurance policy.pdf

Hi Katie,

Attached is our insurance policy. We are unable to provide a rider naming you until the beginning of June since that is when our policy renews, but here is the information so you can ensure that we have the proper coverage. We regularly provide these kinds of riders and I would get it to you as soon as the policy is renewed.

Please confirm receipt. Also, please let me know if I need to attend the council meeting and when it is scheduled for.

Thank you!

Jess

On Tue, Mar 20, 2018 at 11:15 AM, Katie Mahan <[KMahan@cityofnewburyport.com](mailto:KMahan@cityofnewburyport.com)> wrote:

Hi Jess,

Thank you for sending. The other piece we need is insurance. All events need an insurance policy or rider in effect for the event naming the "City of Newburyport" as an insured.

Once you send that, we can add it to the next Council meeting for you.

Thank you,

Katie

**Katie Mahan**

Administrative Assistant I – City Clerk’s Office

City of Newburyport

60 Pleasant Street

Newburyport, MA 01950

Ph | (978) 465-4407

Fax | (978) 462-7936

## **ADVISORY NOTICE TO POLICYHOLDERS COMMERCIAL UMBRELLA LIABILITY POLICY**

This is a summary of changes in your policy. No coverage is provided by this summary nor can it be construed to replace any provision of your policy. You should read your policy and review your Declarations page for complete information on the coverages you are provided. If there is any conflict between the policy and this summary, **THE PROVISIONS OF THE POLICY SHALL PREVAIL.**

The major areas within the policy that broaden or reduce coverage, and other changes, are highlighted below. This notice does not reference every editorial change made in your policy.

Your policy is being renewed with the following endorsement:

---

### **RECORDING AND DISTRIBUTION OF MATERIAL OR INFORMATION IN VIOLATION OF LAW – PERSONAL AND ADVERTISING INJURY EXCLUSION – PI-CXL-099 (01/16)**

---

This endorsement adds an exclusion to your policy for claims related to personal and advertising injury for recording and distributing material or information in violation of certain specified laws.





# PHILADELPHIA INSURANCE COMPANIES

A Member of the Tokio Marine Group

One Bala Plaza, Suite 100  
Bala Cynwyd, Pennsylvania 19004  
610.617.7900 Fax 610.617.7940  
PHLY.com

## PROPOSAL FOR INSURANCE

Quotation Number: 10396711

Proposal Date: 05/01/2017

**Named Insured and Mailing Address:**

Cultural Survival Inc  
PO Box 381569  
Cambridge, MA 02238-1569

**Producer:** 24828

W.T. Phelan & Co., Insurance Agency Inc.  
645R Massachusetts Ave  
Arlington, MA 02476

**Contact:** Collette Creedon

**Phone:** (781)641-7200

**Fax:** (999)999-9999

**Insurer:** Philadelphia Indemnity Insurance Company

**Policy Period From:** 05/31/2017

**To:** 05/31/2018

**Proposal Valid Until:** 05/31/2017

at 12:01 A.M. Standard Time at your mailing address shown above.

**Product:** Non-Profit Umbrella

**Submission Type:** Renewal Business

**PHLY Representative:** Ferriero, Gregory

**PHLY Representative Phone:** (781) 297-6551

**Underwriter:** Holley, Renee

**Underwriter Phone:** (913) 333-5049

**Email:** Gregory.Ferriero@phly.com

**Email:** Renee.Holley@phly.com

IN RETURN FOR THE PAYMENT OF THE PREMIUM, AND SUBJECT TO ALL THE TERMS OF THIS POLICY, WE AGREE WITH YOU TO EXTEND INSURANCE AS STATED IN THIS PROPOSAL.

THIS PROPOSAL CONSISTS OF THE FOLLOWING COVERAGE PARTS FOR WHICH A PREMIUM IS INDICATED. THIS PREMIUM MAY BE SUBJECT TO ADJUSTMENT.

	<b>PREMIUM</b>
<b>Umbrella Liability Coverage</b>	\$ 3,450.00
<b>TOTAL</b>	
	\$ 3,450.00

**Bill Plan Options:**

- 25% Down and 9 Installments - Combined premium must be \$6,000 and up
- 25% Down and 5 Installments - Combined premium must be at least \$3,333
- 25% Down and 3 Installments - Combined premium must be at least \$2,000
- 50% Down and 2 Installments - Combined premium must be at least \$2,000
- 12 equal installments available only on Auto Rental/Leasing policies
- Premiums under \$2,000 are Fixed Annual billing

All Bill Plans are subject to a minimum installment of \$500

The premium shown is subject to the following terms and conditions:

Any taxes, fees or surcharges included in the total premium shown on the proposal are not subject to installment billing.



# PHILADELPHIA INSURANCE COMPANIES

A Member of the Tokio Marine Group

One Bala Plaza, Suite 100  
Bala Cynwyd, Pennsylvania 19004  
610.617.7900 Fax 610.617.7940  
PHLY.com

**Proposal Date:** 05/01/2017  
**Quotation Number:** 10396711

**Named Insured:** Cultural Survival Inc

The producer placing this policy may receive commission and additional underwriting profit share incentives. These incentives are based on the underwriting performance of this producer's book of business. Any questions about the nature of this compensation should be directed to the producer.

In order to complete the underwriting process, we require that you send us the additional information requested in the "conditions" section of this proposal. We are not required to bind coverage prior to our receipt, review and underwriting approval, of said additional information. However, if we do bind coverage, it shall be for a temporary period of not more than 30 days. Such temporary binding of coverage shall be void ab initio ("from the beginning") if we have not received, reviewed and approved in writing such materials within 15 days from the effective date of the temporary binder. This 30 day temporary conditional binder may be extended only in writing signed by the Insurer. Payment of premium shall not operate to extend the binding period or nullify the automatic voiding as described above.

This quotation is strictly conditioned upon no material change in the risk occurring between the date of this proposal and the inception date of the proposed policy (including any claim or notice of circumstances that which may reasonably expected to give rise to a claim under any policy of which the policy being proposed by this letter is a renewal or replacement). In the event of such change in risk, the Insurer may in its sole discretion, whether or not this quotation has been already accepted by the Insured, modify and/or withdraw this quotation.

Subject to the terms and conditions outlined above and prior to the quote expiration date, this quote may be bound by signing and dating below and by initialing, on the previous page, the option to be bound. This form will then act as the binder of coverage for 30 days from the date signed and may be distinguished by the Quotation number on page 1. This binder is only valid for 30 days.

**No coverage is afforded or implied unless shown in this proposal.**

**This proposal does not constitute a binder of insurance.**

**This proposal is strictly limited to the terms and conditions herein. Any other coverage extensions, deletions or changes requested in the submission are hereby rejected.**

\_\_\_\_\_  
Signature of Authorized Insurance Representative

\_\_\_\_\_  
Date



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INSURANCE COMPANIES**

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**PHILADELPHIA INSURANCE COMPANIES  
DISCLOSURE NOTICE OF TERRORISM INSURANCE COVERAGE REJECTION OPTION**

Terrorism Premium (Certified Acts) \$ 0

You are hereby notified that under the Terrorism Risk Insurance Act, as amended, you have a right to purchase insurance coverage for losses resulting from acts of terrorism. *As defined in Section 102(1) of the Act:* The term “act of terrorism” means any act or acts that are certified by the Secretary of the Treasury—in consultation with the Secretary of Homeland Security, and the Attorney General of the United States—to be an act of terrorism; to be a violent act or an act that is dangerous to human life, property, or infrastructure; to have resulted in damage within the United States, or outside the United States in the case of certain air carriers or vessels or the premises of a United States mission; and to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

YOU SHOULD KNOW THAT WHERE COVERAGE IS PROVIDED BY THIS POLICY FOR LOSSES RESULTING FROM CERTIFIED ACTS OF TERRORISM, SUCH LOSSES MAY BE PARTIALLY REIMBURSED BY THE UNITED STATES GOVERNMENT UNDER A FORMULA ESTABLISHED BY FEDERAL LAW. HOWEVER, YOUR POLICY MAY CONTAIN OTHER EXCLUSIONS WHICH MIGHT AFFECT YOUR COVERAGE, SUCH AS AN EXCLUSION FOR NUCLEAR EVENTS. UNDER THE FORMULA, THE UNITED STATES GOVERNMENT GENERALLY REIMBURSES 85% THROUGH 2015; 84% BEGINNING ON JANUARY 1, 2016; 83% BEGINNING ON JANUARY 1, 2017; 82% BEGINNING ON JANUARY 1, 2018; 81% BEGINNING ON JANUARY 1, 2019 and 80% BEGINNING ON JANUARY 1, 2020, OF COVERED TERRORISM LOSSES EXCEEDING THE STATUTORILY ESTABLISHED DEDUCTIBLE PAID BY THE INSURANCE COMPANY PROVIDING THE COVERAGE. THE PREMIUM CHARGED FOR THIS COVERAGE IS PROVIDED BELOW AND DOES NOT INCLUDE ANY CHARGES FOR THE PORTION OF LOSS THAT MAY BE COVERED BY THE FEDERAL GOVERNMENT UNDER THE ACT.

YOU SHOULD ALSO KNOW THAT THE TERRORISM RISK INSURANCE ACT, AS AMENDED, CONTAINS A \$100 BILLION CAP THAT LIMITS U.S. GOVERNMENT REIMBURSEMENT AS WELL AS INSURERS’ LIABILITY FOR LOSSES RESULTING FROM CERTIFIED ACTS OF TERRORISM WHEN THE AMOUNT OF SUCH LOSSES IN ANY ONE CALENDAR YEAR EXCEEDS \$100 BILLION. IF THE AGGREGATE INSURED LOSSES FOR ALL INSURERS EXCEED \$100 BILLION, YOUR COVERAGE MAY BE REDUCED.

**We will issue (or have issued) your policy with terrorism coverage unless you decline by placing an “X” in the box below.**

**NOTE:** You will want to check with entities that have an interest in your organization as they may require that you maintain terrorism coverage (e.g. mortgagees).

	<p><b>I decline to purchase terrorism coverage. I understand that I will have no coverage for losses arising from ‘certified’ acts of terrorism, EXCEPT as noted above.</b></p>
--	---

**You, as the Insured, have 30 days after receipt of this notice to consider the selection/rejection of "terrorism" coverage. After this 30 day period, any request for selection or rejection of terrorism coverage WILL NOT be honored.**

**REQUIRED IN GA – LIMITATION ON PAYMENT OF TERRORISM LOSSES** (applies to policies which cover terrorism losses insured under the federal program, including those which only cover fire losses):

The provisions of the Terrorism Risk Insurance Act, as amended, can limit our maximum liability for payment of losses from certified acts of terrorism. That determination will be based on a formula set forth in the law involving the national total of federally insured terrorism losses in an annual period and individual insurer participation in payment of such losses. If one or more certified acts of terrorism in an annual period causes the maximum liability for payment of losses from certified acts of terrorism to be reached, and we have satisfied our required level of payments under the law, then we will not pay for the portion of such losses above that maximum. However, that is subject to possible change at that time, as Congress may, under the Act, determine that payments above the cap will be made.

NAMED INSURED: Cultural Survival Inc

INSURED'S SIGNATURE: \_\_\_\_\_

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



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Named Insured: Cultural Survival Inc

Proposal Date: 05/01/2017  
Quotation Number: 10396711

## FORM SCHEDULE

Form	Edition	Description
Recurring Payment Flyer	1212	Recurring Payment Flyer
BJP-190-1	1298	Commercial Lines Policy Jacket
PP2015	0615	Privacy Policy Notice
PI-CXLNOTICE 3	0816	Advisory Notice To Policyholders Comm'l Umbrella Liab
PI-CXL-002	0413	Commercial Umbrella Liability Ins Policy Declarations
PI-CXL-001	0314	Commercial Umbrella Liability Insurance Policy
PI-CXL-003	0912	Professional Liability Follow Form Endorsement
PI-CXL-004	0912	Directors And Officers Liability Exclusion
PI-CXL-005	0912	Employers Liability (Stop Gap) Follow Form Endorsement
PI-CXL-007	0912	Abuse Or Molestation Exclusion
PI-CXL-009	0912	Automobile Liability Follow Form Endorsement
PI-CXL-014	0912	Subsidence Exclusion
PI-CXL-025	0912	Absolute Liquor Liability Exclusion
PI-CXL-032	0912	Fungi Or Bacteria Exclusion
PI-CXL-039	0115	Cap On Losses From Certified Acts Of Terrorism
PI-CXL-054	0912	Non-Owned Watercraft Amendment
PI-CXL-068	0912	Employee Benefits Liability Exclusion
PI-CXL-075	0314	Lead Liability Exclusion
PI-CXL-088	0314	Access Or Disclosure Of Confidential Info W/Exception
PI-CXL-099	0116	Recording And Distribution Of Material Or Information
PI-UMTER-DN	0115	Disclosure Notice Of Terrorism Ins Cov Rejection Opt





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PHLY.com

Proposal Date: 05/01/2017  
Quotation Number: 10396711

Named Insured: Cultural Survival Inc

## UMBRELLA LIABILITY

Total: \$ 3,450.00

Includes Total Taxes of: Not Applicable

### LIMITS OF INSURANCE

EACH OCCURRENCE LIMIT  
(LIABILITY COVERAGE)

\$ 5,000,000

PERSONAL & ADVERTISING INJURY LIMIT

\$ 5,000,000

Any one person or organization

PRODUCTS COMPLETED OPERATIONS AGGREGATE LIMIT

\$ 5,000,000

GENERAL AGGREGATE LIMIT (LIABILITY COVERAGE) (except with  
respect to Auto Liability and Products Completed Operations)

\$ 5,000,000

### RETAINED LIMIT

RETAINED LIMIT:

\$ 10,000



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## SCHEDULE OF UNDERLYING INSURANCE

### Employers' Liability

Company: Liberty Mutual Fire Insurance Company

Policy Number: TBD

Policy Period: 10/17/2017 10/17/2018

#### Minimum Applicable Limits

Bodily injury by accident	\$	500,000	Each Accident
Bodily injury by disease	\$	500,000	Each Employee
Bodily injury by disease	\$	500,000	Policy Limit

### Commercial General Liability

Occurrence

Claims-Made

Company: Philadelphia Indemnity Insurance Company

Policy Number:

Policy Period: 05/31/2017 05/31/2018

Retroactive Date: Not Applicable

#### Minimum Applicable Limits:

General Aggregate	\$	2,000,000
Products-Completed Operations Aggregate	\$	2,000,000
Personal And Advertising Injury	\$	1,000,000
Each Occurrence	\$	1,000,000

### Commercial Auto Liability

Company: Philadelphia Indemnity Insurance Company

Policy Number:

Policy Period: 05/31/2017 05/31/2018

#### Minimum Applicable Limits

Garage Aggregate Limit For Other Than Autos (if applicable)	\$	Not Applicable
Each Accident	\$	1,000,000

### Professional Liability

Occurrence

Claims-Made

Company: Philadelphia Indemnity Insurance Company

Policy Number:

Policy Period: 05/31/2017 05/31/2018

Retroactive Date: Not Applicable

#### Minimum Applicable Limits

Each Professional Incident	\$	1,000,000
Aggregate	\$	2,000,000



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PHLY.com

## Employee Benefits Liability

Occurrence

Claims-Made

Company:

Policy Number:

Policy Period:

Retroactive Date:

Minimum Applicable Limits

\$  
\$

## Abuse or Molestation

Occurrence

Claims-Made

Company:

Policy Number:

Policy Period:

Retroactive Date:

Minimum Applicable Limits

\$  
\$

## Directors & Officers Liability

Occurrence

Claims-Made

Company:

Policy Number:

Policy Period:

Retroactive Date:

Minimum Applicable Limits

\$  
\$

## Liquor Liability

Occurrence

Claims-Made

Company:

Policy Number:

Policy Period:

Retroactive Date:

Minimum Applicable Limits

\$  
\$



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## Watercraft Liability

Occurrence

Claims-Made

Company:

Policy Number:

Policy Period:

Retroactive Date:

Minimum Applicable Limits

\$  
\$

## Other Coverages Not Included in Above

Occurrence

Claims-Made

Company:

Policy Number:

Policy Period:

Retroactive Date:

Minimum Applicable Limits

\$  
\$



**PHILADELPHIA**  
**INSURANCE COMPANIES**

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### **Taxes, Surcharges, and Fees Notice**

\*Note: The above proposal may not account for local taxes, Surcharges, and/or fees mandated by the State in which you/your business operate(s). The final policy will include a description of how local taxes, surcharges and fees, if applicable, have been allocated as determined by the risk location. Please contact a PHL Y representative if you have any questions.

**NEWBURYPORT SPECIAL EVENT APPLICATION**

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

PS

Tel.

Fax.

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

NAME OF EVENT: Flag Day 5 K

Date: Sat. June 16 2018 Time: from 3 PM to 8 PM

Rain Date: \_\_\_\_\_ Time: from \_\_\_\_\_ to \_\_\_\_\_

2. Location: Cashman Park

3. Description of Property: Soccer Field Public  Private \_\_\_\_\_

4. Name of Organizer: Steven Hines City Sponsored Event: Yes \_\_\_\_\_ No

Contact Person \_\_\_\_\_

Address: 54 Ferry Rd. Telephone: 978 465-1252

E-Mail: hin57@comcast.net Cell Phone: 617 799-6980

Day of Event Contact & Phone: Steven Hines 617 799-6980

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 3

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 + Dumpster
- b) How many recycling receptacles will you be providing? 12
- c) Will you be contracting for disposal of : **Trash** Yes  No  **Recycling** Yes  No
- i. If yes, size of dumpster(s): **Trash** 10 yd **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 Fund

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

Steven Hines

54 Ferry Rd Newburyport, MA 617 799-6980

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

Steven Hines 617 799-6980

4. Date of Event: 6/16/18

Expected Number of Participants: 1500

5. Start Time: 4 PM

Expected End Time: 5 PM

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

7. Locations of Water Stops (if any):

Jefferson + Washington St

8. Will Detours for Motor Vehicles Be Required? No 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

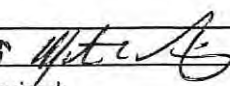
CITY CLERK

[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.

<b>Approval Required</b>	<b>Date:</b> _____	<b>Signature</b> _____	
___	1. Special Events:	_____	_____
___	2. Police:	<u>ET. SIMONS</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: \_\_\_\_\_



**2018 Flag Day 5K Road Race**  
**To Benefit The 1<sup>st</sup> Lt Derek Hines Soldiers Fund**

Date	Saturday June 16 <sup>th</sup> , 2018
Location	Cashman Park Soccer Field
Timeline	3 PM Pre race ceremony featuring Gov. Charlie Baker 4-5 PM Road race 5-8 PM Post race entertainment featuring live band
Request	License to sell and provide 1 free beer to runners of age from 5-8 PM
Venue Setup	Fenced in beer garden with uniformed officer at entrance, beer tickets to be sold outside of garden area where ID's will be checked and hands will be stamped. The servers in addition to time of purchase may check ID's.
Entertainment	Live band playing from 5-8 PM
Insurance	2 million dollar liability policy will be provided
Tip Certified	Derek LeClair bartender at Black Cow
State Approved Vendor	Seaboard Products 17 Collins St. Danvers, MA

*1<sup>st</sup> Lt Derek Hines Soldiers Fund*  
*Providing financial assistance to Massachusetts veterans and their families*  
[www.derekhinesfund.org](http://www.derekhinesfund.org)  
Non-profit #26-07527





**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 \_\_\_\_\_

**We request use of:**

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

Dates/days requested Saturday June 16, 2018

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

Activity Road Race Number of attendees 2500

Authorized Applicant Signature Steve Hines

**FOR INTERNAL USE ONLY**

Approval is contingent upon approval from the following authorities:

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

ADDITIONAL COMMENTS:

**Submit completed form 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>3/5/18</u>
Approved <input checked="" type="checkbox"/>
Rejected <input type="checkbox"/>
Comments _____
_____
Donation received _____



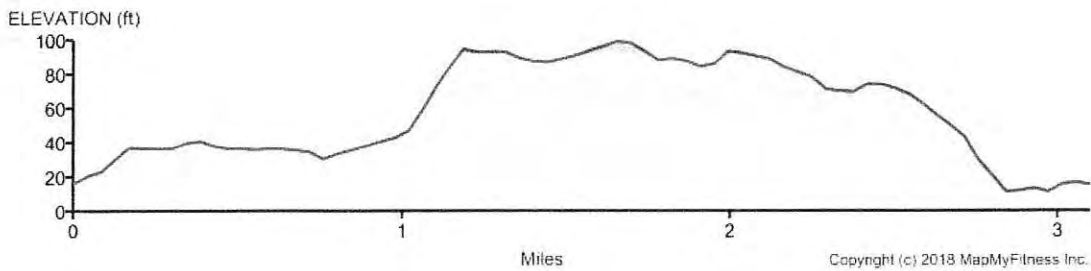
**Flag Day 5K**

Distance: 3.10 mi

Elevation Gain: 93 ft

Elevation Max: 100 ft

**Notes**



<b>0.00 mi</b>	Head northwest on Sally Snyder Way
<b>0.04 mi</b>	Turn left to stay on Sally Snyder Way
<b>0.16 mi</b>	Turn right onto Merrimac St
<b>1.01 mi</b>	Turn left onto Jefferson St
<b>1.25 mi</b>	Head south on Jefferson St toward High St
<b>1.30 mi</b>	Turn left onto High St
<b>2.18 mi</b>	Turn left onto Kent St
<b>2.28 mi</b>	Turn right onto Washington St Destination will be on the right
<b>2.32 mi</b>	Head southeast on Washington St toward Buck St
<b>2.57 mi</b>	Turn left at Clipper City Rail Trail
<b>2.59 mi</b>	Head northeast
<b>2.84 mi</b>	Head northeast
<b>2.84 mi</b>	Turn left
<b>2.93 mi</b>	Head northwest toward Sally Snyder Way
<b>3.07 mi</b>	Continue onto Sally Snyder Way
<b>3.10 mi</b>	Destination

NCS  
TO  
PS 2/18/18

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 29, 2018

**AN ORDINANCE TO AMEND THE NEWBURYPORT CODE OF ORDINANCES REGARDING HEALTH AND SANITATION**

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

**THAT** the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended by adding new Section 8-1. to existing DIVISION 1. – GENERALLY of ARTICLE I. – IN GENERAL of CHAPTER 8 – HEALTH AND SANITATION, to read as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

**Chapter 8 – HEALTH AND SANITATION**

**ARTICLE I. – IN GENERAL**

**DIVISION 1. – GENERALLY**

**Sec. 8-1. – Non-residential districts**

For purposes of this Chapter 8, the term “non-residential districts” shall mean the following zoning districts regulated under the Zoning Ordinance: agricultural and/or conservation (Ag/C), business (B-1, B-2, and B-3), and industrial (I-1, I-1B, and I-2).

**AND, FURTHER, THAT** the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended by amending existing Subsection (a) of Section 8-90 of DIVISION 1. - GENERALLY and DIVISION 2. - RECYCLING (Section 8-81 through 8-94) of ARTICLE II. – SOLID WASTE of CHAPTER 8 – HEALTH AND SANITATION, to read as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

**Chapter 8 – HEALTH AND SANITATION**

**ARTICLE III. – SOLID WASTE**

**DIVISION 1. – GENERALLY**

**Sec. 8-90. - Collection.**

- (a) *Area and schedule of collection.* Collection shall be in all areas and to all persons who are currently or hereafter served by the solid waste collection services of the city. Zones for collection of recyclable materials as defined in the regulations shall be as indicated on the map titled "Solid Waste and Recyclable Zones" which is ~~attached hereto and incorporated herein~~ kept on file in the offices of the health department. Collections shall be pursuant to the regulations of the board of health as set forth through section 8-92 herein. The scheduling of collections shall be established by the administrative official pursuant to the regulations set forth by board of health. Except in non-residential districts, or as expressly approved, in advance, by the administrative official, no recyclable materials shall be picked up and/or emptied into a vehicle, nor shall any such vehicle or related mechanical equipment be left idling or otherwise operating within the City of Newburyport between the hours of 10:00 p.m. and 7:00 a.m., on any day of the year. Penalty for violation of this subsection shall be a written warning for the first offense, followed by a three-hundred-dollar (\$300.00) fine for each subsequent offense issued to the operator of the vehicle. Enforcement of this provision shall be by the police department, board of health, or department of public services.

**AND, FURTHER, THAT** the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended by adding new Section 8-101. to DIVISION I. - GENERALLY of ARTICLE IV. - NUISANCES of CHAPTER 8 - HEALTH AND SANITATION, to read as follows, with deletions ~~double-stricken and italicized~~, and additions double-underlined and italicized:

## **Chapter 8 – HEALTH AND SANITATION**

### **ARTICLE IV. – NUISANCES**

#### **DIVISION 1. – GENERALLY**

##### **Sec. 8-101. – Noise.**

- (a) No unnecessary emissions. No person owning, leasing, or controlling a source of sound shall willfully, negligently, or through failure to provide necessary equipment, service, or maintenance, or to take necessary precautions, cause, suffer, allow, or permit unnecessary emissions from said sound of sound that may cause noise.
- (i) This section shall apply to, but shall not be limited to, prolonged unattended sounding of burglar alarms, construction and demolition equipment which characteristically emit sound but which may be fitted and accommodated with equipment such as enclosures to suppress sound, or may be operated in a manner so as to suppress sound, suppressible and preventable industrial and commercial sources of sound, and other man-made sounds that cause noise.
- (ii) This section shall not apply to sounds emitted during and associated with: (A) parades, public gatherings, or sporting events, for which all required city permits have been issued; (B) emergency police, fire, and ambulance vehicles; (C) police, fire, and civil and national defense activities; (D) customary, domestic

equipment such as lawn mowers, leaf blowers, and power saws, between the hours of 7:00 A.M. and 10:00 P.M.

- (b) Noise defined. For purposes of this section, noise shall mean sound of sufficient intensity and/or duration as to: (i) cause a nuisance; (ii) be injurious, or be on the basis of current information, potentially injurious to human health or animal life, to vegetation, or to property; or (iv) unreasonably interfere with the comfortable enjoyment of life and property or the conduct of business. A source of sound shall be considered to constitute unlawful noise under this section if such source: (i) increases the broadband sound level by more than 10 dB(A) above ambient; and/or (ii) produces a "pure tone" condition – when any octave band center frequency sound pressure level exceeds the two adjacent center frequency sound pressure levels by three decibels or more.
- (d) Measurement. The criteria of the previous subsection shall be measured both at the property line and at the nearest inhabited residence. "Ambient" is defined as the background A-weighted sound level that is exceed 90% of the time, measured during vehicle or equipment operating hours. The ambient may also be established by other means with the consent of the Massachusetts Department of the Environmental Protection.
- (c) Vehicle deliveries and idling vehicles and mechanical equipment. Except in non-residential districts, or as expressly approved in writing, in advance, by the mayor, the city marshal, the director of the department of public services, or the administrative official charged to enforce the Recycling Ordinance, no vehicular deliveries shall occur, nor shall any commercial or non-commercial vehicle or mechanical equipment be left idling or otherwise operating audibly within the City of Newburyport between the hours of 10:00 P.M. and 7:00 A.M., on any day of the year. This restriction shall apply, without limitation, to all construction vehicles and equipment related to demolition and construction.
- (e) The provisions of this section shall be enforced by the police department or the department of health, and the building commissioner in the connection with activities undertaken pursuant to the State Building Code, and the zoning administrator in connection with activities undertaken pursuant to the Newburyport Zoning Ordinance.

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Councillor Jared J. Eigerman

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Councillor Larry G. Giunta, Jr.

PS

# CITY OF NEWBURYPORT



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

**ORDERED:**

March 12, 2018

**THAT** the City Council of the City of Newburyport authorizes crosswalks along the following streets:

1. Across Rawson Hill Avenue at the South leg of Highland Avenue
2. Across Turkey Hill Road at the South leg of Bartlett Drive

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

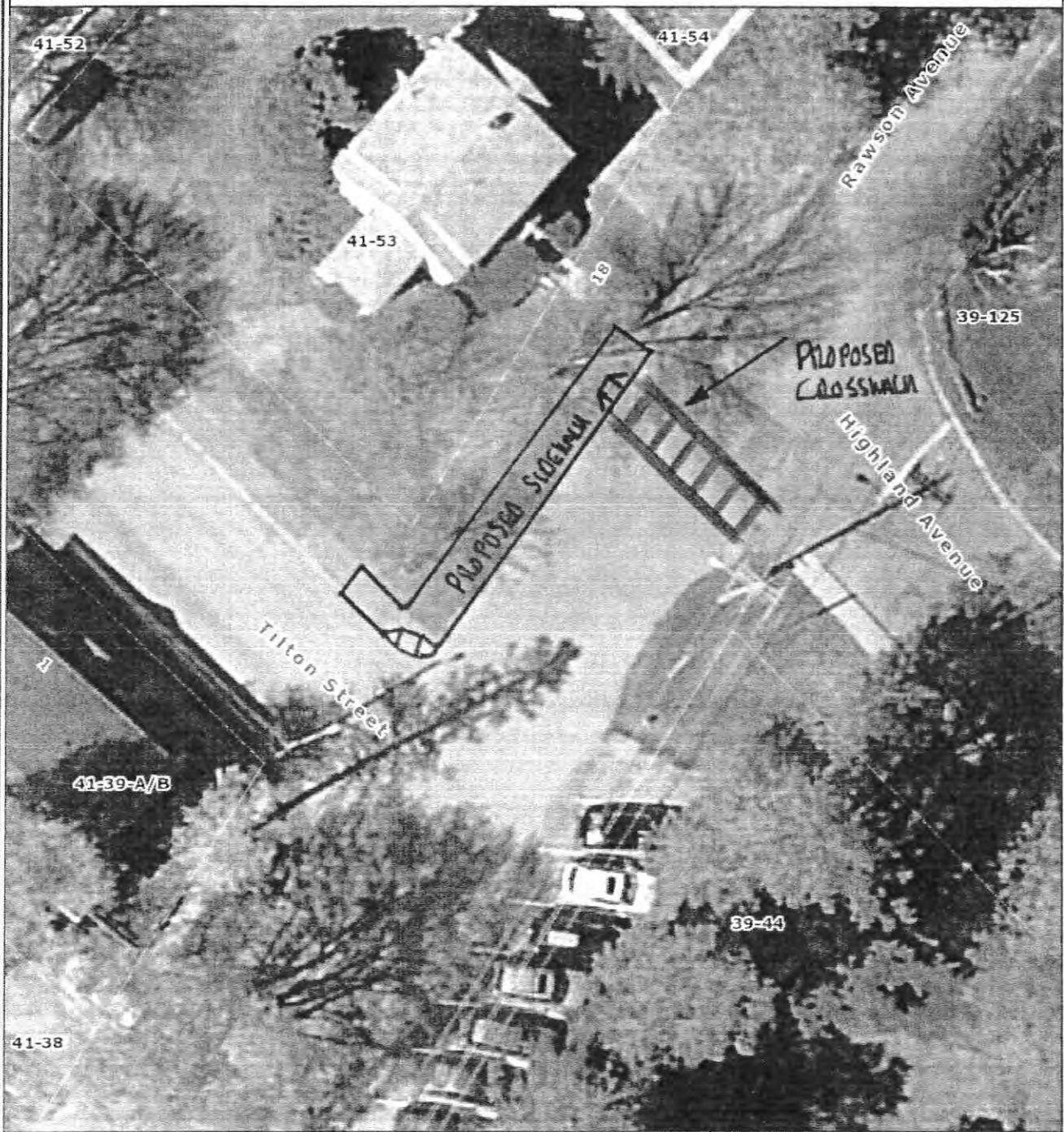
\_\_\_\_\_  
Councillor Larry G. Giunta, Jr.



# RAWSON AVE & HIGHLAND - SIDEWALK & CROSSWALK REQUEST

Newburyport MIMAP

March 1, 2018



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

1. PROPOSED 8' WIDE PAVED CROSSWALK  
 2. PROPOSED 6' WIDE BY 50' LONG SIDEWALK WITH GRANITE CURBING & TWO W.C. RAMPAS.



1" = 21 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.

**April 9, 2018**  
**Committee Items-Public Utilities**

1. **ORDR018\_03\_26\_18** Frank Delucia & Son, Inc. - Licensed Contractor

pu

CITY OF NEWBURYPORT



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IN CITY COUNCIL

ORDERED:

March 26, 2018

**THAT** the City Council of the City of Newburyport approves the following Licensed Contractor application for the 2018 construction year for Water, Sewer, Drain Layer, Roadway and Sidewalk work:

Frank DeLucia & Son, Inc.  
119 Newton Road Rear  
Plaistow, NH 03865

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

---

Councillor Sharif I. Zeid  
Public Utilities Chairperson



CITY OF NEWBURYPORT

DEPARTMENT  
OF  
PUBLIC SERVICES

**MEMORANDUM**

ANTHONY J. FURNARI  
DIRECTOR

**TO:** Richard Jones, City Clerk  
**FROM:** Wayne S. Amaral, DPS Deputy Director  
**DATE:** March 20, 2018  
**RE:** License Contractor Application and recommendation for 2018 Season

---

WAYNE S. AMARAL  
DEPUTY DIRECTOR /  
DIRECTOR OF OPERATIONS

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

16A PERRY WAY  
NEWBURYPORT, MA 01950

Frank Delucia & Son, Inc  
119 Newton Rd Rear  
Plaistow, NH 03865

TEL: 978-465-4464

FAX 978-465-1623

For the following work;

Water Service  
Sewer Service  
Drain Laying  
Roadway  
Sidewalk

CITYOFNEWBURYPORT.COM

Thank you for your attention to this matter.



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

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

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

**Application to become a  
 Licensed Contractor**

*Submit completed application to the above address*

Today's Date: 3/19/18

Name of Company: Frank Delucia + Son Inc.

Name of Owner: Rocci Delucia Sr.

Contact Person: Rocci Delucia Jr.

Street Address: 119 Newton Rd Rear City: Plaistow State: NH Zip Code: 03865

Phone #: 603 974-1580 Cell #: 508 962-3352 Fax #: 603974-2553

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

Name and Contact Information of Insurer: \_\_\_\_\_

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

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

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

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

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

# **FRANK DeLUCIA & SON INC.**

## **GENERAL CONTRACTORS**

119 NEWTON ROAD REAR, PLAISTOW, N.H. 03865

(603) 974-1580 (603) 974-2155

Fax (603) 974-2553

3/19/18

**City of Newburyport**

**Department of Public Services**

**16A Perry Way**

**Newburyport, Ma. 01950**

**Re: Application to become a Licensed Contractor**

**Project: Port Place**

3 Municipal References

1. Phil Christiansen – Christiansen & Sergi, 160 Summer Street, Haverhill, Ma. 01830, Phone: 978-373-0310
2. Dan Hudson – Town of Salem NH, Director of Engineering, 33 Geremonty Drive, Salem, NH 03079, Phone: 603-890-2030
3. Steve Gagnon – City of Methuen Engineering Department, Chief Engineer, Searles Building, 41 Pleasant Street, Methuen, Ma., Phone: 978-983-8550
4. Glen Burton, Stantech Municipal Inspectional Services, Phone: 603-234-3615

Additional references can be provided upon request.

**Sincerely,**

*Rocci DeLucia Jr.*

**Rocci DeLucia Jr.**

**General Manager / Estimator**

**Frank DeLucia & Son Inc.**

References for Application to City 3-19-18






# CITY OF NEWBURYPORT

DEPARTMENT  
OF  
PUBLIC SERVICES

## MEMORANDUM

ANTHONY J. FURNARI  
DIRECTOR

**TO:** Richard Jones, City Clerk  
**FROM:** Wayne S. Amaral, DPS Deputy Director   
**DATE:** March 20, 2018  
**RE:** License Contractor Application and recommendation for 2018 Season

---

WAYNE S. AMARAL  
DEPUTY DIRECTOR /  
DIRECTOR OF OPERATIONS

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

16A PERRY WAY

Frank Delucia & Son, Inc  
119 Newton Rd Rear  
Plaistow, NH 03865

NEWBURYPORT, MA 01950

TEL: 978-465-4464

FAX: 978-465-1623

For the following work;

Water Service  
Sewer Service  
Drain Laying  
Roadway  
Sidewalk

CITYOFNEWBURYPORT.COM

Thank you for your attention to this matter.



CITY OF NEWBURYPORT
DEPARTMENT OF PUBLIC SERVICES

16A PERRY WAY
NEWBURYPORT, MA 01950

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

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

Application to become a
Licensed Contractor

Submit completed application to the above address

Today's Date: 3/19/18

Name of Company: Frank Delucia + Son Inc.

Name of Owner: Rocci Delucia Sr.

Contact Person: Rocci Delucia Jr.

Street Address: 119 Newton Rd Rear City: Plaistow State: NH Zip Code: 03865

Phone #: 603 974-1580 Cell #: 508 962-3352 Fax #: 603974-2553

Insurance Certificate #: Policy Expiration Date:

Name and Contact Information of Insurer:

Bond # Bond Expiration Date:

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

- Water Service/Main, Sewer Service/Main, Drain Laying, Roadway (incl. curb cuts), Sidewalk, Gas, Electric, Communications

Submit the Following with this completed Application:

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

# FRANK DeLUCIA & SON INC.

## GENERAL CONTRACTORS

119 NEWTON ROAD REAR, PLAISTOW, N.H. 03865

(603) 974-1580 (603) 974-2155

Fax (603) 974-2553

3/19/18

**City of Newburyport**  
**Department of Public Services**  
**16A Perry Way**  
**Newburyport, Ma. 01950**

**Re:** Application to become a Licensed Contractor

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2. Dan Hudson – Town of Salem NH, Director of Engineering, 33 Geremonty Drive, Salem, NH 03079, Phone: 603-890-2030
3. Steve Gagnon – City of Methuen Engineering Department, Chief Engineer, Searles Building, 41 Pleasant Street, Methuen, Ma., Phone: 978-983-8550
4. Glen Burton, Stantech Municipal Inspectional Services, Phone: 603-234-3615

Additional references can be provided upon request.

**Sincerely,**

*Rocci DeLucia Jr.*

**Rocci DeLucia Jr.**  
**General Manager / Estimator**  
**Frank DeLucia & Son Inc.**

References for Application to City 3-19-18

LICENSE OR  
PERMIT BOND

Bond # 2264299

LICENSE OR PERMIT BOND

KNOW ALL BY THESE PRESENTS, That we, Frank Delucia & Son, Inc.

119 Newton Road Rear, Plaistow, NH 03865

as Principal, and the North American Specialty Insurance Company, a New Hampshire corporation,

as Surety, are held and firmly bound unto City of Newburyport, Department of Public Services

16A Perry Way, Newburyport, MA 01950, as Obligee,

in the sum of Five Thousand and No/100ths

Dollars ( \$5,000.00 )

for which sum, well and truly to be paid, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed and sealed this 20th day of March, 2018.

THE CONDITION OF THIS OBLIGATION IS SUCH, That WHEREAS, the Principal has been or is about to be granted a license or permit to do business as Drainlayer for Various Locations by the Obligee.

NOW, Therefore, if the Principal well and truly comply with applicable local ordinances, and conduct business in conformity therewith, then this obligation to be void; otherwise to remain in full force and effect.

PROVIDED, HOWEVER; 1. This bond shall continue in force:

Until March 20, 2019, or until the date of expiration of any Continuation Certificate executed by the Surety

OR

Until canceled as herein provided.

2 This bond may be canceled by the Surety by the sending of notice in writing to the Obligee, stating when, not less than thirty days thereafter, liability hereunder shall terminate as to subsequent acts or omissions of the Principal.

Frank Delucia & Son, Inc.

Principal

By Frank Delucia

North American Specialty Insurance Company

By Christine Hosmer

Christine Hosmer

Attorney-in-Fact

SWISS RE CORPORATE SOLUTIONS

NORTH AMERICAN SPECIALTY INSURANCE COMPANY
WASHINGTON INTERNATIONAL INSURANCE COMPANY
WESTPORT INSURANCE CORPORATION

GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, THAT North American Specialty Insurance Company, a corporation duly organized and existing under laws of the State of New Hampshire, and having its principal office in the City of Overland Park, Kansas and Washington International Insurance Company a corporation organized and existing under the laws of the State of New Hampshire and having its principal office in the City of Overland Park, Kansas, and Westport Insurance Corporation, organized under the laws of the State of Missouri, and having its principal office in the City of Overland Park, Kansas each does hereby make, constitute and appoint:

DANIEL E. CHURCH, PAULA J. CANTARA, WILLIAM VER PLANCK, CHRISTINE HOSMER, JOHN M. HARBOTTLE, GARY P. LAPIERRE

BRUCE H. LANGLEY, MICHAEL P. O'BRIEN, RYAN M. STEVENS, and MATTHEW R. BLAISDELL JOINTLY OR SEVERALLY

Its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its act and deed, bonds or other writings obligatory in the nature of a bond on behalf of each of said Companies, as surety, on contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract or suretyship executed under this authority shall exceed the amount of: ONE HUNDRED TWENTY FIVE MILLION (\$125,000,000.00) DOLLARS

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of North American Specialty Insurance Company and Washington International Insurance Company at meetings duly called and held on March 24, 2000 and Westport Insurance Corporation by written consent of its Executive Committee dated July 18, 2011.

"RESOLVED, that any two of the President, any Senior Vice President, any Vice President, any Assistant Vice President, the Secretary or any Assistant Secretary be, and each or any of them hereby is authorized to execute a Power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings and all contracts of surety, and that each or any of them hereby is authorized to attest to the execution of any such Power of Attorney and to attach therein the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be binding upon the Company when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached."



By [Signature] Steven P. Anderson, Senior Vice President of Washington International Insurance Company & Senior Vice President of North American Specialty Insurance Company & Senior Vice President of Westport Insurance Corporation

By [Signature] Mike A. Ito, Senior Vice President of Washington International Insurance Company & Senior Vice President of North American Specialty Insurance Company & Senior Vice President of Westport Insurance Corporation



IN WITNESS WHEREOF, North American Specialty Insurance Company, Washington International Insurance Company and Westport Insurance Corporation have caused their official seals to be hereunto affixed, and these presents to be signed by their authorized officers this 8TH day of FEBRUARY, 20 18.

North American Specialty Insurance Company
Washington International Insurance Company
Westport Insurance Corporation

State of Illinois ss:
County of Cook

On this 8TH day of FEBRUARY, 20 18, before me, a Notary Public personally appeared Steven P. Anderson, Senior Vice President of Washington International Insurance Company and Senior Vice President of North American Specialty Insurance Company and Senior Vice President of Westport Insurance Corporation and Michael A. Ito Senior Vice President of Washington International Insurance Company and Senior Vice President of North American Specialty Insurance Company and Senior Vice President of Westport Insurance Corporation, personally known to me, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as officers of and acknowledged said instrument to be the voluntary act and deed of their respective companies.



[Signature] M. Kenny, Notary Public

I, Jeffrey Goldberg, the duly elected Vice President and Assistant Secretary of North American Specialty Insurance Company, Washington International Insurance Company and Westport Insurance Corporation do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by said North American Specialty Insurance Company, Washington International Insurance Company and Westport Insurance Corporation which is still in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies this 20th day of March, 20 18.

[Signature]





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
3/30/2018

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

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


<b>PRODUCER</b> THE ROWLEY AGENCY INC. 45 Constitution Avenue P.O. Box 511 Concord NH 03302-0511	<b>CONTACT NAME:</b> Kelley Massey <b>PHONE (A/C, No, Ext):</b> (603) 224-2562 <b>E-MAIL ADDRESS:</b> kmassey@rowleyagency.com	<b>FAX (A/C, No):</b> (603) 224-8012
	<b>INSURER(S) AFFORDING COVERAGE</b>	
<b>INSURED</b> Frank Delucia and Son, Inc. 119 Newton Road, Rear Plaistow NH 03865	<b>INSURER A:</b> Union Insurance Company	<b>NAIC #</b> 25844
	<b>INSURER B:</b> Acadia Insurance Company	31325
	<b>INSURER C:</b> Star Insurance Company	
	<b>INSURER D:</b>	
	<b>INSURER E:</b>	

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

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

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	X	CPA5342416	3/31/2018	3/31/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS		CAA5342417	3/31/2018	3/31/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Underinsured motorist \$
B	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0		CUA5342418	3/31/2018	3/31/2019	EACH OCCURRENCE \$ 2,000,000 AGGREGATE \$ 2,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A 3A STATES: MA, NH	8/1/2017	8/1/2018	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
A	LEASED/RENTED EQUIPMENT		CPA5342416	3/31/2018	3/31/2019	LIMIT \$350,000
A	PHYS DAMAGE FOR HIRED AUTOS		CAA5342417	3/31/2018	3/31/2019	LIMIT \$100,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Covering operations of the named insured during the policy period. City of Newburport, MA, Department of Public Services is additional insured with respect to the general liability when required by written contract.

<b>CERTIFICATE HOLDER</b>  City of Newburport, MA Department of Public Services 16A Perry Way Newburyport, MA 01950	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	<b>AUTHORIZED REPRESENTATIVE</b>  Kelley Massey/KCO 



INSURER'S AFFIDAVIT AS TO WORKERS' COMPENSATION INSURANCE

I, Kelley Massey, 45 Constitution Ave, Concord, NH 03301 [Name, Address] am:

an authorized representative of Star Insurance Company  
[Company Name]  
(a producer" in the voluntary market)†

an authorized agent of \_\_\_\_\_, Insurance Company (an agent  
[Company Name]  
in the voluntary market, authorized to sign on behalf of a producer)†

an authorized signatory of the \_\_\_\_\_, the Prime Contractor  
[Company Name]  
(an insured of a producer in the involuntary market pool)†

an authorized signatory of \_\_\_\_\_, the Sub-Contractor (an insured of  
(Company Name)  
a producer in the involuntary market pool, group, or otherwise insured)†

and do hereby aver that effective 08/01/2017 [Date], Frank Delucia & Son, Inc.  
\_\_\_\_\_, the Prime or Sub-Contractor, is insured for Workers' Compensation insurance with  
Star \_\_\_\_\_ Insurance Company under Policy No[s]. WC0741736

pursuant to the attached Certificate of Insurance, and in accordance with Massachusetts General Laws, Chapter 152 and Subsection 7.05A of the Standard Specifications for Highways and Bridges of the Highway Division of the Massachusetts Department of Transportation.

Kelley Massey  
Signature  
Senior Account Manager  
Title

COMMONWEALTH OF MASSACHUSETTS

On this 19 day of March, 2018 before me, the undersigned notary public, personally appeared Kelley Massey [document signer], proved to me through satisfactory evidence of identification, which was/were personally known, to be the person who signed the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of their knowledge and belief.

Paula J. Cantara  
Notary  
[Printed Name]

**PAULA J. CANTARA, Notary Public**  
**State of New Hampshire**  
**My Commission Expires October 21, 2020**

- A producer is an insurance company that provides insurance policies directly, not an insurance agent.  
† For Prime or Sub-Contractor companies insured through the voluntary market, this Affidavit must be completed by the insurer or an authorized agent of the insurer.  
† If the Prime or Sub-Contractor is insured through the involuntary insurance market, a pool, such as the Worker's Compensation Inspection and Rating Bureau, or is otherwise insured they may provide a Certificate of Insurance and this Affidavit which may be signed by an authorized signatory (company officer) of the Prime or the Sub-Contractor,