

CITY COUNCIL MEETING AGENDA - VERSION 1
CITY COUNCIL CHAMBERS
MAY 28, 2019

7:30PM

(Sound Check)

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE ITEMS**
- 5. PUBLIC COMMENT**
- 6. MAYOR'S COMMENT**
- 7. RESOLUTION: NATIONAL GUN VIOLENCE AWARENESS**

CONSENT AGENDA

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

8. APPROVAL OF MINUTES

- May 13, 2019 (Approve)

9. TRANSFERS

- TRAN056_05_28_19 Free Cash \$143,094.37, Snow & Ice Labor \$11,318.05 to Snow & Ice Expenses \$154,412.42 (B&F)
- TRAN057_05_28_19 Health Ins. \$12,320 to Fire Misc Supplies \$5K, HR Payroll \$4,620, HR/FSA Admin \$2.7K (B&F)
- TRAN058_05_28_19 BDR Elections & Reg. \$5K to CLK Lease Copier \$1.2K, CLK Admin \$1.3K, CCN ORD Recodification \$2.5K (B&F)
- TRAN059_05_28_19 Solid Waste Revolving Fund \$40K to SUS Solid Waste \$40K (B&F)
- TRAN060_05_28_19 Free Cash \$3,250 to YTH Brown School Expenses \$3,250 (B&F)

10. COMMUNICATIONS

- COMM155_05_28_19 Block Party – Dove Street – 8/3/19 (PS)
- COMM156_05_28_19 Traffic Concern Ferry Road (PS)

11. APPOINTMENTS

First Reading

- APPT103_05_28_19 Paul Hogg 4 Coltin Dr Harbormaster & Special Police Officer 5/1/2022

ALL ITEMS NOTED BELOW ARE REMOVED FROM THEIR RESPECTIVE COMMITTEES WITH THE MOTION TO APPROVE THE CONSENT AGENDA:

Budget & Finance

- COMM134_03_25_19 FY2020-FY2024 Capital Improvement Program Submission
- TRAN053_05_13_19 Free Cash \$23K to YTH Brown School Expenses \$23K
- TRAN054_05_13_19 Free Cash \$100K to FIR Overtime \$100K

- TRAN055_05_13_19 SEW I/I Rehabilitation \$60K to SEW Plant Chemicals \$60K
- ORDR103_05_13_19 Parking Garage – Fees Inn Permit
- ORDR109_05_13_19 Acceptance of Chapter 32, Section 12(2)(d) – Survivor Allowance
- ORDR110_05_13_19 Acceptance of Chapter 32, Section 101 – Surviving Spouse

Public Utilities

- ORDR096_04_08_19 Solar Alternative On-Bill Credits
- Pole Hearing – 197 Low Street

**END OF CONSENT AGENDA
REGULAR AGENDA**

12. MAYOR’S UPDATE

13. COMMUNICATIONS

- COMM153EP_05_28_19 Emergency Preamble for Block Party – Tyng Street (Lower) – 6/14/19
- COMM153_05_28_19 Block Party – Tyng Street (Lower) – 6/14/19
- COMM154EP_05_28_19 Emergency Preamble for Block Party – Pheasant Run Lane – 6/8/19
- COMM154_05_28_19 Block Party – Pheasant Run Lane – 6/8/19

14. APPOINTMENTS

Second Reading

- | | | | | |
|--------------------|---------------|------------------------|---------------------------|-----------|
| • APPT100_05_13_19 | Laurie Pierce | 15 Second St, Amesbury | Chief Procurement Officer | |
| • APPT101_05_13_19 | Katie Nye | 8 Russell Terr | Human Rights Comm | 5/31/2021 |
| • APPT102_05_13_19 | Eileen Ryan | 350 High St | Human Rights Comm | 6/1/2021 |

15. ORDERS

- ORDR112_05_28_19 Handicapped Parking Space - Lime St at Water St
- ORDR113_05_28_19 Water & Sewer Rates FY2020

16. ORDINANCES

- ODNC035_05_28_19 Amendment to Health and Sanitation

17. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

Budget & Finance

In Committee:

- ORDR007_01_29_18 41C Amendment
- COMM112_02_11_19 Memo re: Fire-Based EMS Cost/Benefit Analysis
- ORDR091_03_11_19 41C-1/2 Ballot Question (COTW)
- ORDR092_03_11_19 41C-1/2 Adjustments (COTW)
- COMM120_03_11_19 Central Congregational Grant Award Letter
- **COMM134_03_25_19 FY2020-FY2024 Capital Improvement Program Submission**
- TRAN048_04_08_19 Mult Accts \$1,668,067.29 to Mult Accts \$1,668,067.29
- **TRAN053_05_13_19 Free Cash \$23K to YTH Brown School Expenses \$23K**
- **TRAN054_05_13_19 Free Cash \$100K to FIR Overtime \$100K**
- **TRAN055_05_13_19 SEW I/I Rehabilitation \$60K to SEW Plant Chemicals \$60K**
- **ORDR103_05_13_19 Parking Garage – Fees Inn Permit**
- ORDR105_05_13_19 FY2020 Budget (COTW)

- ORDR106_05_13_19 Intermunicipal Agreement Animal Control Services
- **ORDR107_05_13_19 Fire Apparatus Loan Order**
- **ORDR109_05_13_19 Acceptance of Chapter 32, Section 12(2)(d) – Survivor Allowance**
- **ORDR110_05_13_19 Acceptance of Chapter 32, Section 101 – Surviving Spouse**
- ODNC034_05_13_19 Amendment to Salary of Elected Officials

Education

In Committee:

-

General Government

In Committee:

- COMM139_04_08_19 Communication from Kopelman & Paige re: Closed Legal Matters

License & Permits

In Committee:

- COMM029_04_30_18 Outdoor Seating – West Row Café
- COMM104_01_14_19 Seacoast Taxi - Application by Richard Hewlett for 2019

Neighborhoods and City Services

In Committee:

- ORDR048_06_13_16 Sidewalk Order
- COMM111_10_10_17 Petition for Road Repairs and Repaving – Squires Glen
- ODNC028_11_26_18 Parks & Recreation Fees

Planning & Development

In Committee:

- ODNC008_02_12_18 Disposition of G. W. Brown School
- ODNC014_04_30_18 Amendment to Demolition Delay
- ORDR086_01_28_19 CPC FY2019 Amended Recommendation for Affordable Housing Trust Funds
- ODNC029_01_28_19 Zoning Map Amendment – Storey Ave South
- **ORDR087_02_11_19 Preservation Restriction Agreement – 28-30 Pleasant Street**
- ODNC030_03_25_19 Zoning - Amend Article XXVII Downtown Overlay District
- ORDR108_05_13_19 Acceptance of the Former George W. Brown School
- ODNC032_05_13_19 Zoning – Amend Ag-Con District
- ODNC033_05_13_19 Zoning – Amendment to Former George W. Brown School Parcels

Public Safety

In Committee:

- ODNC009_02_12_18 Floating Homes, Houseboats, and Related Marinas
- COMM087_09_24_18 Ltr re: Coffin Street
- COMM116_02_25_19 Toward Zero Waste Newburyport Initiative (*full text available*) (COTW)
- **COMM130_03_25_19 Cultural Survival Bazaar – July 20-21 2019**
- ODNC031_03_25_19 Regulation of the Use of Pesticides
- **COMM136_04_08_19 Yankee Homecoming 2019 - 7/26-8/4**
- **COMM138_04_08_19 Newburyport Lions Club YHC Road Race - 7/30/2019**
- ORDR094_04_08_19 Traffic Changes - Green, Pleasant, and Titcomb Streets
- COMM143_04_29_19 Cruisin' the 50s Car Show - 8/15/19
- COMM144_04_29_19 Newburyport Fall Harvest Festival - 10/13-14 2019

- COMM145_04_29_19 Witches' Night Out - 10/18/19
- COMM146_04_29_19 Downtown Trick or Treat - 10/25/19
- COMM147_04_29_19 Invitation Nights - 12/6, 12/13, 12/20 2019
- **COMM148_04_29_19 Bed Race - 8/1/2019**
- COMM150_04_29_19 5th Annual Harborside Half Marathon & 5K - 11/10/19
- **COMM152_05_13_19 Strut for Strays - 6/2/2019**
- ORDR101_05_13_19 Handicapped Parking Space – Pleasant Street at Unicorn Street
- ORDR102_05_13_19 15-Min Parking Space – 92 Pleasant Street
- ORDR104_05_13_19 Drop Off Space – Market St

Public Utilities

In Committee:

- COMM122_11_27_17 Mobilitie Application/Small Cell Utility Petition (re-file)
- ODNC022_05_29_18 Addition to Chapter 5, Article 6 - Small Cell Sites
- **ORDR096_04_08_19 Solar Alternative On-Bill Credits**
- **Pole Hearing – 197 Low Street**

Rules Committee

In Committee:

- ORDR057_08_27_18 Amendment to Council Rule 12A

17. GOOD OF THE ORDER

18. ADJOURNMENT

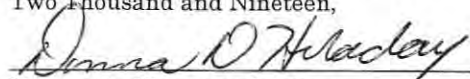
PROCLAMATION

MAY 21 PM

- WHEREAS, Everyday 100 Americans are killed by gun violence, and on average there are nearly 13,000 gun homicides every year; and,
- WHEREAS, Americans are 25 time more likely to be killed with guns than people in other developed countries; and,
- WHEREAS, The Office of the Mayor and the Police Department consider the protection of public safety their highest responsibility; and,
- WHEREAS, Hadiya Pendleton, a teenager was shot and killed just a few weeks after marching in President Obama's second inaugural parade. She would be now celebrating her 22nd birthday; and,
- WHEREAS, To commemorate Hadiya and the 100 Americans whose lives are cut short and the countless survivors who are injured by daily shootings; a national coalition of organizations have designated June 7th, as the 5th National Gun Violence Awareness Day; and,
- WHEREAS, Wearing orange on June 7th will help raise awareness about gun violence. This color was chosen because hunters wear orange to announce themselves when out in the woods; it is the color that symbolizes the value of human life.

NOW THEREFORE, be it proclaimed that I, Donna D. Holaday, hereby declare **June 7, 2019 as National Gun Violence Awareness Day** in the City of Newburyport. Be it further proclaimed that the City of Newburyport honor and remember all victims and survivors of gun violence and that we, as a Country, resolve to work towards a resolution which will end this violence.

Given under my hand and seal this
Seventh Day of June in the Year
Two Thousand and Nineteen,


Donna D. Holaday, Mayor



CONSENT AGENDA

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
MAY 13, 2019

7:30PM

The City Council President, Barry Connell, called the meeting to order at 7:30pm, followed by the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Eigerman, Giunta, Khan, OBrien, Shand, Tontar, Vogel, Zeid, Devlin, Earls, Connell. 11 present.

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS – 2 Public Safety committee items (ORDR095_04_08_19, COMM142_04_29_19), ORDR111EP_05_13_19, ORDR111_05_13_19, TRAN041_03_25_19 Revised

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

5. PUBLIC COMMENT

- | | | |
|-------------------|----------------|------------------|
| 1. Mackenzie Koch | 22 Virginia Ln | Strut for Strays |
| 2. Eileen Ryan | 350 High St | HRC Appointment |
| 3. Mike Olson | 28 Charles St | Brown School |
| 4. Katie Nye | 8 Russell Terr | HRC Appointment |

6. ORDR100_04_29_19 Motion to take out of order by Councillor Zeid, seconded by Councillor Giunta. So voted. Motion to remove from table by Councillor Zeid, seconded by Councillor Giunta. So voted. Motion to receive and file by Councillor Zeid, seconded by Councillor Giunta. So voted. Valedictorian Samuel Acquaviva and Salutatorians Jillian Gray and Katherine Sheehy were in attendance.

7. MAYOR'S COMMENT AND BUDGET PRESENTATION

The Mayor gave an update pursuant to her written communication and included the budget presentation and slides.

CONSENT AGENDA

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

8. APPROVAL OF MINUTES

- April 29, 2019 (Approve)

9. TRANSFERS

- TRAN053_05_13_19 Free Cash \$23K to YTH Brown School Expenses \$23K (B&F)
- TRAN054_05_13_19 Free Cash \$100K to FIR Overtime \$100K (B&F)
- TRAN055_05_13_19 SEW I/I Rehabilitation \$60K to SEW Plant Chemicals \$60K (B&F)

10. COMMUNICATIONS

- COMM152_05_13_19 Strut for Strays - 6/2/2019 (PS)

11. APPOINTMENTS

First Reading

- APPT100_05_13_19 Laurie Pierce 15 Second St, Amesbury Chief Procurement Officer
- APPT101_05_13_19 Katie Nye 8 Russell Terr Human Rights Comm 5/31/2021
- APPT102_05_13_19 Eileen Ryan 350 High St Human Rights Comm 6/1/2021

ALL ITEMS NOTED BELOW ARE REMOVED FROM THEIR RESPECTIVE COMMITTEES WITH THE MOTION TO APPROVE THE CONSENT AGENDA:

Budget & Finance

- TRAN049_04_29_19 Pd Prk Fund \$54.5K to CIP Prk Facility \$34.5K, Ticket & Permit Expense \$20K
- TRAN050_04_29_19 POL Fuel/Oil \$11K to POL Maint - Building \$11K
- ORDR097_04_29_19 Council on Aging Van Gift Acceptance \$25K
- ORDR098_04_29_19 FY19 Revolving Fund Spending Limit Increase
- ORDR099_04_29_19 Band Uniforms Gift Acceptance \$2190

Neighborhoods and City Services

- TRAN051_04_29_19 LIB SAL Librarian \$7.7K to LIB AV Material \$3.7K, LIB Admin Expense \$2K, LIB Supplies \$2K
- TRAN052_04_29_19 LIB SAL Staff \$11K to LIB Maint - Building \$11K

Public Utilities

- ORDR096_04_08_19 Solar Alternative On-Bill Credits
Councillor Zeid removed from Consent Agenda.

**END OF CONSENT AGENDA
REGULAR AGENDA**

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

12. MAYOR’S UPDATE

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

13. ORDR111EP_05_13_19 LATE FILE Emergency Preamble - Amended Kelley School Order

Motion to approve by Councillor Tontar, seconded by Councillor Eigerman. Roll call vote, 11 yes. Motion passed.

14. ORDR111_05_13_19 LATE FILE Amended Kelley School Order

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

15. TRANSFERS

- **TRAN041_03_25_19 Free Cash \$54.5K, RRFA Sale of Municipal Bldgs \$54.5K to CIP NHS Exterior Woodwork \$109K**

Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. So voted. Motion to amend (\$110,903 from CIP Nock/Molin Parking Lot totaling \$219,903 to CIP NHS Exterior Woodwork Phase III) by Councillor Tontar, seconded by Councillor Vogel. So voted. Motion to approve as amended by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 present (Earls). Motion passed.

16. APPOINTMENTS

Second Reading

- APPT097_04_29_19 Peter M. Blaiwas 61 Pleasant St #717 Human Rights Comm 5/1/2022
- APPT098_04_29_19 Thomas Getz 36 Broad St Human Rights Comm 5/31/2022

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

17. ORDERS

- ORDR101_05_13_19 Handicapped Parking Space – Pleasant Street at Unicorn Street
Motion to take ORDR101_05_13_19, ORDR102_05_13_19, and ORDR104_05_13_19 collectively by Councillor Zeid, seconded by Councillor Devlin. So voted. Motion to refer ORDR101_05_13_19, ORDR102_05_13_19, and ORDR104_05_13_19 collectively to Public Safety by Councillor Zeid, seconded by Councillor Tontar. So voted.
- ORDR102_05_13_19 15-Min Parking Space – 92 Pleasant Street
- ORDR103_05_13_19 Parking Garage – Fees Inn Permit
Motion to refer ORDR103_05_13_19, ORDR105_05_13_19, ORDR107_05_13_19, ORDR109_05_13_19, and ORDR110_05_13_19 collectively to Budget & Finance (ORDR105_05_13_19 with Committee of the Whole) by Councillor Zeid, seconded by Councillor Tontar. So voted.
- ORDR104_05_13_19 Drop Off Space – Market St
- ORDR105_05_13_19 FY2020 Budget
- ORDR106_05_13_19 Intermunicipal Agreement Animal Control Services
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted.
- ORDR107_05_13_19 Fire Apparatus Loan Order
- ORDR108_05_13_19 Acceptance of the Former George W. Brown School
Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Vogel. So voted.
- ORDR109_05_13_19 Acceptance of Chapter 32, Section 12(2)(d) – Survivor Allowance
- ORDR110_05_13_19 Acceptance of Chapter 32, Section 101 – Surviving Spouse

18. ORDINANCES

- ODNC032_05_13_19 Zoning – Amend Ag-Con District
Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Vogel. So voted.
- ODNC033_05_13_19 Zoning – Amendment to Former George W. Brown School Parcels
Motion to refer to Planning & Development by Councillor Zeid, seconded by Councillor Tontar. So voted.
- ODNC034_05_13_19 Amendment to Salary of Elected Officials
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Khan. So voted (3 no – OBrien, Zeid, Earls).

19. COMMITTEE ITEMS

NOTE: UNDERLINED COMMITTEE ITEMS WILL BE CONSIDERED AT THIS MEETING

Budget & Finance

In Committee:

- ORDR007_01_29_18 41C Amendment
- COMM112_02_11_19 Memo re: Fire-Based EMS Cost/Benefit Analysis
- ORDR091_03_11_19 41C-1/2 Ballot Question (COTW)
- ORDR092_03_11_19 41C-1/2 Adjustments (COTW)
- COMM120_03_11_19 Central Congregational Grant Award Letter
- COMM134_03_25_19 FY2020-FY2024 Capital Improvement Program Submission
- TRAN048_04_08_19 Mult Accts \$1,668,067.29 to Mult Accts \$1,668,067.29

- **TRAN049 04 29 19 Pd Prk Fund \$54.5K to CIP Prk Facility \$34.5K, Ticket & Permit Expense \$20K**
Motion to approve (comm vote 2-1, Zeid) by Councillor Tontar, seconded by Councillor Khan. So voted. Motion to divide by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve \$20K transfer by Councillor Tontar, seconded by Councillor Zeid. So voted. Councillor Zeid requested that this payment be final and complete contractual obligations. Motion to approve \$34.5K by Councillor Tontar, seconded by Councillor Khan. So voted (2 no – OBrien, Zeid).
- **TRAN050 04 29 19 POL Fuel/Oil \$11K to POL Maint - Building \$11K**
Motion to approve by Councillor Tontar, seconded by Councillor OBrien. So voted.
- **ORDR097 04 29 19 Council on Aging Van Gift Acceptance \$25K**
Motion to approve (comm vote 3-0) by Councillor Tontar, seconded by Councillor OBrien. So voted.
- **ORDR098 04 29 19 FY19 Revolving Fund Spending Limit Increase**
Motion to approve (comm vote 3-0) by Councillor Tontar, seconded by Councillor Khan. So voted.
- **ORDR099 04 29 19 Band Uniforms Gift Acceptance \$2190**
Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted. Clerk to send thank you letter.

Education

In Committee:

-

General Government

In Committee:

- COMM139_04_08_19 Communication from Kopelman & Paige re: Closed Legal Matters

License & Permits

In Committee:

- COMM029_04_30_18 Outdoor Seating – West Row Café
- COMM104_01_14_19 Seacoast Taxi - Application by Richard Hewlett for 2019
- **COMM151 04 29 19 A-Frame Variance Request - Wellsco, LLC**
Motion to remove from License & Permit by Councillor Earls, seconded by Councillor Tontar. So voted. Motion to approve, until business signage constructed, by Councillor Earls, seconded by Councillor Tontar. So voted (1 no – Connell).

Neighborhoods and City Services

In Committee:

- ORDR048_06_13_16 Sidewalk Order
- COMM111_10_10_17 Petition for Road Repairs and Repaving – Squires Glen
- ODNC028_11_26_18 Parks & Recreation Fees
- **TRAN051 04 29 19 LIB SAL Librarian \$7.7K to LIB AV Material \$3.7K, LIB Admin Expense \$2K, LIB Supplies \$2K**
Motion to approve by Councillor Zeid, seconded by Councillor OBrien. So voted.
- **TRAN052 04 29 19 LIB SAL Staff \$11K to LIB Maint - Building \$11K**
Motion to approve by Councillor Zeid, seconded by Councillor Tontar. So voted.

Planning & Development

In Committee:

- ODNC008_02_12_18 Disposition of G. W. Brown School
- **ODNC014 04 30 18 Amendment to Demolition Delay**
- ORDR086_01_28_19 CPC FY2019 Amended Recommendation for Affordable Housing Trust Funds

- ODNC029_01_28_19 Zoning Map Amendment – Storey Ave South
- **COMM115_02_11_19 Conservation Restriction - 3 & 5 Collins Farm Road**
Councillor Eigerman recused. Motion to remove from Planning & Development by Councillor Giunta, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Giunta, seconded by Councillor Earls. So voted.
- ORDR087_02_11_19 Preservation Restriction Agreement – 28-30 Pleasant Street
- ODNC030_03_25_19 Zoning - Amend Article XXVII Downtown Overlay District
- **APPT099_04_29_19 Stephen G. DeLisle 195 High St ZBA** **5/31/2020**
Councillor Devlin recused. Motion to remove from Planning & Development by Councillor Eigerman, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Eigerman, seconded by Councillor Giunta. Roll call vote, 10 yes, 1 recused (Devlin). Motion passed.

Public Safety

In Committee:

- ODNC009_02_12_18 Floating Homes, Houseboats, and Related Marinas
- COMM087_09_24_18 Ltr re: Coffin Street
- COMM116_02_25_19 Toward Zero Waste Newburyport Initiative (*full text available*) (COTW)
- COMM130_03_25_19 Cultural Survival Bazaar – July 20-21 2019
- ODNC031_03_25_19 Regulation of the Use of Pesticides
- COMM136_04_08_19 Yankee Homecoming 2019 - 7/26-8/4
- COMM138_04_08_19 Newburyport Lions Club YHC Road Race - 7/30/2019
- ORDR094_04_08_19 Traffic Changes - Green, Pleasant, and Titcomb Streets
- **ORDR095_04_08_19 Resolution Promoting Awareness of Sewage Pollution in Public Water**
Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor Khan. So voted. Motion to approve by Councillor Devlin, seconded by Councillor Khan. So voted.
- **COMM142_04_29_19 Newburyport Spring Festival - 5/26-27 2019**
Councillor Eigerman recused. Motion to remove from Public Safety by Councillor Devlin, seconded by Councillor OBrien. So voted. Motion to approve (comm vote 3-0), subject to updated worker's compensation insurance, by Councillor Devlin, seconded by Councillor OBrien. So voted.
- COMM143_04_29_19 Cruisin' the 50s Car Show - 8/15/19
- COMM144_04_29_19 Newburyport Fall Harvest Festival - 10/13-14 2019
- COMM145_04_29_19 Witches' Night Out - 10/18/19
- COMM146_04_29_19 Downtown Trick or Treat - 10/25/19
- COMM147_04_29_19 Invitation Nights - 12/6, 12/13, 12/20 2019
- COMM148_04_29_19 Bed Race - 8/1/2019
- COMM150_04_29_19 5th Annual Harborside Half Marathon & 5K - 11/10/19

Public Utilities

In Committee:

- COMM122_11_27_17 Mobilite Application/Small Cell Utility Petition (re-file)
- ODNC022_05_29_18 Addition to Chapter 5, Article 6 - Small Cell Sites
- ORDR096_04_08_19 Solar Alternative On-Bill Credits
- Pole Hearing – 197 Low Street

Rules Committee

In Committee:

- ORDR057_08_27_18 Amendment to Council Rule 12A

20. GOOD OF THE ORDER

Councillor Khan noted the Newburyport Community Iftar will be on May 22nd at the Senior Center. Councillor Tontar announced the Budget Workshops will begin this Thursday, May 16th.

21. ADJOURNMENT

Motion to adjourn by Councillor Tontar, seconded by Councillor Vogel. So voted. 9:19pm.

TRANSFERS



City of Newburyport

FY 2019

BUDGET TRANSFER REQUEST

CITY OF NEWBURYPORT
NEWBURYPORT, MA
MAY 21 PM 3:25

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor

Date Submitted: 5/28/2019

Transfer From:

Account Name	<u>General Fund - Free Cash</u>	YTD Bal:	<u>\$ 884,010.00</u>
Account Number:	<u>01-35910</u>	YTD Cat:	<u>\$ -</u>
Amount:	<u>\$143,094.37</u>	Trans I/O:	<u>\$ (1,261,704.00)</u>
Why are Funds Available:	<u>The Massachusetts Department of Revenue certified Free Cash for FY2019 at \$2,145,714. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council. YTD balance reflects all transfers submitted prior to May 28, 2019.</u>		

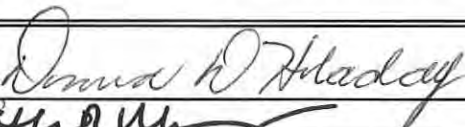
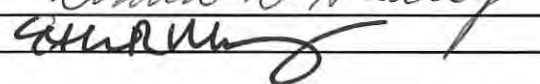
Transfer From:

Account Name	<u>Snow & Ice - Labor</u>	YTD Bal:	<u>\$ 11,318.05</u>
Account Number:	<u>01423001-51301</u>	YTD Cat:	<u>\$ 11,318.05</u>
Amount:	<u>\$11,318.05</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Available:	<u>At the end of the season, there was a surplus in the Snow & Ice - Labor line item, which is used to fund overtime costs for snow and ice removal.</u>		

Transfer To:

Account Name	<u>Snow & Ice - Expenses</u>	YTD Bal:	<u>\$ (154,412.42)</u>
Account Number:	<u>01423002-52901</u>	YTD Cat:	<u>\$ (154,412.42)</u>
Amount:	<u>\$154,412.42</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Required:	<u>Snow and ice expenses are variable depending on winter weather conditions. This account is used to pay the cost of contractors hired to clear snow, equipment maintenance, as well as, materials such as salt and sand. State law allows communities to deficit spend in this category, however the deficit must be removed by fiscal year-end with available funds, or raise in FY2020.</u>		

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

Date: 5/21/19

Date: 5/21/19

**City of Newburyport
Department of Public Services
Snow & Ice Expense**

	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
Budgeted Expense	\$ 90,000.00	\$ 90,000.00	\$ 95,000.00	\$ 100,000.00	\$ 100,000.00	\$ 105,000.00
Budgeted Labor	\$ 90,000.00	\$ 90,000.00	\$ 95,000.00	\$ 100,000.00	\$ 100,000.00	\$ 105,000.00
Parts	\$ 29,179.48	\$ 49,393.50	\$ 33,253.19	\$ 36,370.42	\$ 36,315.05	\$ 31,381.58
Salt	\$ 68,948.16	\$ 104,412.63	\$ 104,345.74	\$ 139,646.10	\$ 97,472.25	\$ 134,398.80
Calcuim	\$ 8,000.00	\$ 3,981.98	\$ 3,889.71	\$ 7,213.14	\$ 4,296.00	\$ 3,390.00
OT Labor	\$ 54,883.13	\$ 164,488.58	\$ 36,151.39	\$ 108,158.02	\$ 64,082.91	\$ 93,681.95
Contractors	\$ 43,238.50	\$ 443,894.25	\$ 24,530.00	\$ 30,492.50	\$ 58,687.80	\$ 55,395.00
Other Material	\$ 1,195.00	\$ 1,694.62	\$ 9,023.19	\$ 4,612.00	\$ 8,293.75	\$ 3,368.50
Pending	\$ -	\$ 69,000.00	\$ -	\$ -	\$ -	\$ -
Other Accessories	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,206.64
Rental Trucks	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 27,271.90
Remaining Total	\$ (25,444.27)	\$ (656,865.56)	\$ (21,193.22)	\$ (126,492.18)	\$ (69,147.76)	\$ (143,094.37)



City of Newburyport

FY 2019

BUDGET TRANSFER REQUEST

RECEIVED
FIRE
MAY 21 PM 3:25

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor

Date Submitted: 5/28/2019

Transfer From:

Account Name	<u>Health Insurance</u>	YTD Bal:	<u>\$ 1,659,797.82</u>
Account Number:	<u>01914001-51700</u>	Bud Cat:	<u>\$ 1,736,448.12</u>
Amount:	<u>\$12,320.00</u>	Trans I/O:	<u>\$ (61,160.00)</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>Fire Misc Supplies</u>	YTD Bal:	<u>\$ (7,176.18)</u>
Account Number:	<u>01220004-55800</u>	Bud Cat:	<u>\$ 8,650.89</u>
Amount:	<u>\$5,000.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Needed:	<u>This line item is used to fund miscellaneous supplies for the department, such as equipment for its two dive team members, which was purchased during FY19 at a cost of \$4,578, fire prevention educational materials, printing, etc.</u>		

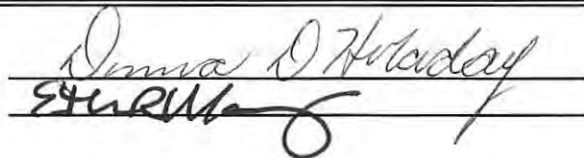
Transfer To:

Account Name	<u>HR Payroll</u>	YTD Bal:	<u>\$ (4,382.78)</u>
Account Number:	<u>01152002-53010</u>	Bud Cat:	<u>\$ 9,183.05</u>
Amount:	<u>\$4,620.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Needed:	<u>This line item funds the payroll vendor (fees based on number of transactions, direct deposits, bank accounts, etc.) and was underfunded for FY19.</u>		

Transfer To:

Account Name	<u>HR FSA Administration</u>	YTD Bal:	<u>\$ (2,431.70)</u>
Account Number:	<u>01152002-53006</u>	Bud Cat:	<u>\$ 9,183.05</u>
Amount:	<u>\$2,700.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Needed:	<u>Based on new employees and increased participation in the Flex Spending program.</u>		

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


Donna D. Holaday
Ethan R. Manning

Date: 5/24/19
Date: 5/28/19



City of Newburyport

FY 2019

BUDGET TRANSFER REQUEST

CITY OF NEWBURYPORT, MA
MAY 21 11 3: 24

Department: City Clerk

Submitted by: Richard B. Jones, City Clerk

Date Submitted: 5/28/2019

Transfer From:

Account Name	<u>BDR Elections & Registration</u>	YTD Bal:	\$	<u>5,601.47</u>
Account Number:	<u>01163007-57808</u>	YTD Cat:	\$	<u>5,601.47</u>
Amount:	<u>\$5,000.00</u>	Trans I/O:	\$	<u>-</u>
Why are Funds Available:	<u>A surplus is anticipated at year-end.</u>			

Transfer To:

Account Name	<u>CLK Lease Copier</u>	YTD Bal:	\$	<u>(882.00)</u>
Account Number:	<u>01161002-52701</u>	YTD Cat:	\$	<u>-</u>
Amount:	<u>\$1,200.00</u>	Trans I/O:	\$	<u>-</u>
Why are Funds Needed:	<u>Additional funds are needed for the copier in the City Clerk's Office.</u>			

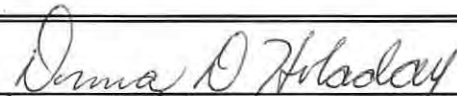
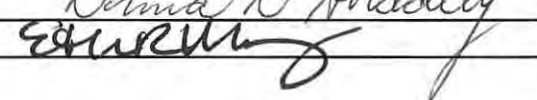
Transfer To:

Account Name	<u>CLK Administration</u>	YTD Bal:	\$	<u>85.85</u>
Account Number:	<u>01161002-54200</u>	YTD Cat:	\$	<u>-</u>
Amount:	<u>\$1,300.00</u>	Trans I/O:	\$	<u>-</u>
Why are Funds Needed:	<u>This line item funds administrative costs related to the operations of the City Clerk and City Council (e.g. professional printing, training, City Council retreats, water, office supplies).</u>			

Transfer To:

Account Name	<u>CCN Ordinance Recodification</u>	YTD Bal:	\$	<u>(3,084.41)</u>
Account Number:	<u>01111002-53002</u>	YTD Cat:	\$	<u>2,072.37</u>
Amount:	<u>\$2,500.00</u>	Trans I/O:	\$	<u>-</u>
Why are Funds Needed:	<u>This line item is variable based on City Council activity.</u>			

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

Date: 5/21/19
Date: 5/21/19



City of Newburyport

FY 2019

BUDGET TRANSFER REQUEST

RECEIVED
 PLANNING DEPT.
 2019 MAY 21 PM 3:24

Department: Sustainability

Submitted by: Molly Ettenborough, Director

Date Submitted: 5/28/2019

Transfer From:

Account Name	<u>Solid Waste Revolving Fund</u>	YTD Bal:	<u>\$ 292,851.01</u>
Account Number:	<u>2843-59600</u>	YTD Cat:	<u>\$ -</u>
Amount:	<u>\$40,000.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Available:	<u>The Solid Waste Revolving Fund is used to operate the Yard Waste Facility and Recycling Center on Colby Farm Lane, chipper service, hazardous waste disposal, and disposal of bulk items/mattresses.</u>		

Transfer To:

Account Name	<u>SUS Solid Waste</u>	YTD Bal:	<u>\$ 294,117.73</u>
Account Number:	<u>01519002-52905</u>	YTD Cat:	<u>\$ 308,132.73</u>
Amount:	<u>\$40,000.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Needed:	<u>To fund solid waste disposal through June 30, 2019 due to a higher than anticipated spring volume.</u>		

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

Date: 5/21/19
 Date: 5/21/19



City of Newburyport

FY 2019

BUDGET TRANSFER REQUEST

MAY 21 PM 3:24

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor

Date Submitted: 5/28/2019

Transfer From:

Account Name	General Fund - Free Cash	YTD Bal:	\$ 884,010.00
Account Number:	01-35910	YTD Cat:	\$ -
Amount:	\$3,250.00	Trans I/O:	\$ (1,261,704.00)

Why are Funds Available: The Massachusetts Department of Revenue certified Free Cash for FY2019 at \$2,145,714. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council. YTD balance reflects all transfers submitted prior to May 28, 2019.

Transfer To:

Account Name	YTH Brown School Expenses	YTD Bal:	\$ 11,887.20
Account Number:	01542007-57843	YTD Cat:	\$ 18,268.70
Amount:	\$3,250.00	Trans I/O:	\$ -

Why are Funds Needed: The fence adjacent to the playground was deteriorated and falling down; therefore it needed to be replaced at a cost of \$3,250 by a local vendor. The remaining fence that runs along the southeast perimeter of the lot also needs some repair, however we anticipate this work can be completed in-house by DPS.

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




Date: 5/21/19

Date: 5/21/19

COMMUNICATIONS



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2019 MAY 21 PM 1:11



CITY OF NEWBURYPORT
60 PLEASANT STREET
NEWBURYPORT, MA 01950

BLOCK PARTY APPLICATION

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

DATE OF REQUEST: May 15 2019

CONTACT INFORMATION

FIRST AND LAST NAME: Milissa Duncan

MAILING ADDRESS: 14 Dove St.

PHONE NUMBER: 978-764-1019

E-MAIL ADDRESS: djdener@msn.com

BLOCK PARTY INFORMATION

BLOCK PARTY DATE: August 3rd 2019

DESIRED STREET CLOSING LOCATION: Dove + Monroe to Dove + Merrimack

Please indicate cross streets when requesting the closing of street sections

STREET TO BE BARRICADED: Dove St.

DESIRED STREET CLOSING TIME: 5^{pm} - 10pm

Block Parties should run no later than 10:00 p.m.

REGULATIONS

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

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

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

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

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

Applicant Signature Melissa Duncan Date May 15, 2019

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHALL

4 Green Street

FIRE CHIEF

Greenleaf Street

~~DEPUTY DIRECTOR~~

1 Perry Way

CITY CLERK

60 Pleasant St.

[Handwritten signatures and dates for approval signatures]

5/14/19
5/15/19
5/21/19
5/22/19

City use only:

Approved _____ -Denied _____ Date _____

From: "O'Gorman, Cal" <cal.o'gorman@fmr.com>
Date: May 16, 2019 at 4:50:31 PM EDT
To: "Thomasobrien11@aol.com" <Thomasobrien11@aol.com>
Subject: Traffic Concern

Good afternoon, Councilor O'Brien –

My name is Cal O'Gorman and I live with my family at 105 Ferry Road in town.

I'm writing to express our growing concern with patrons of Moseley park using Azalea road / our drive as a U-turn point after they are done walking dogs. We have three young children and have concerns for the lack of caution demonstrated by the parks' patrons over the years.

In addition, I've seen multiple close calls with other cars, our cars, pedestrians and our mailbox. To be honest, it's only a matter of time before these are no longer near misses.

Given the multitude of options for folks to reverse their direction, I'm writing to you in the hope that we can petition you to help us by getting a no U-turn sign posted somewhere.

There are a number of other concerns we have that include the speed at which folks travel on ferry road, utilizing parts of our driveway for parking, amongst others. I've notice that residents of Daniel Lucy Way have a sign prohibiting parking 25 feet from the intersection. We'd like to explore this with you as well.

We have contacted the city and police department. The City advised that we should speak to you. Regarding the speed of traffic, the police were less than responsive to put it lightly.

Is there anything we/you/us can do to help make this area more safe not just for us and our neighbors but for the hundreds of folks that enjoy Moseley woods and the surrounding attractions?

I can be reached at 509-728-6892 if you'd prefer to speak in person.

Thanks in advance for your time.

Cal O'Gorman | Order Room | Fidelity Capital Markets

Mailing Address: 200 Seaport Boulevard, Mail Zone ZW11A, Boston, MA 02210

Office Address: 155 Seaport Boulevard, Boston, MA 02210

Phone: 617.563.9510

Fax: 617-385-0773

Cell: 617-872-6008

cal.o'gorman@fmr.com

www.capitalmarkets.fidelity.com

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**APPOINTMENTS
FIRST READING**



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

NEWBURYPORT, MA
MAY 15 PM 12:39

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: May 15, 2019

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as Harbormaster and Special Police Officer for the City of Newburyport. This term will expire on May 1, 2022.

Paul Hogg
4 Coltin Drive
Newburyport, MA 01950



CITY OF NEWBURYPORT OFFICE OF THE HARBORMASTER

PAUL HOGG
HARBORMASTER

NEWBURYPORT CITY HALL
60 STATE STREET
NEWBURYPORT, MA 01950

TEL: 978-462-3746

Objective To protect the safety of all boaters and management of the Newburyport Waterways. The Harbormaster works to protect life, property and the Civil rights or individuals through enforcement of laws , ordinances and regulations

Experience Harbormaster City of Newburyport 04/01 2010 – Present

Responsible for 55 employees maintaining schedules, weekly meetings and monthly trainings. I am accountable for collections of water related City approved fees and fines and keep accurate, up to date reports for the Mayor and Harbor Commission. Responsible for management and personnel at Cashman Park, Plum Island parking lot, central waterfront docks, lifeguards and City owned vessels and property.

Assistant Harbormaster 11/01 2001- 4/2010

Enforce State, Federal and local Maritime Laws
Patrol the waterways of the Merrimack River
Assist Coast Guard, Police, Fire, Environmental
Maintain safety of all vessels
Assist in the maintenance and upkeep of docks and gangways

Shellfish Constable 4/01 2016- Present

Protection of the City's shellfish. I work through a variety of environmental, ecological and law enforcement duties.
Enforce all policies, statutes, ordinances and regulations relating to shellfish, marine fisheries, lobsters, wetlands, water quality and natural resources.
Protect the public health and assist with all aspects of environmental and ecological management including administration of the shellfish propagation program and research.

Police Officer 3/2002- 5/2017
Merrimac Police Department

Patrol the streets of Merrimac and community relations
Respond to all 911 and medical calls
Accurately prepare and complete reports, records and logs
Enforce all laws in accordance with Mass law and testify in court when required



CITY OF NEWBURYPORT OFFICE OF THE HARBORMASTER

PAUL HOGG
HARBORMASTER

NEWBURYPORT CITY HALL
60 STATE STREET
NEWBURYPORT, MA 01950

TEL: 978-462-3746

Education

Newburyport High School
Northern Essex Community College
Harbormaster Training Program
Reading Police Academy
North Shore Harbormaster Training

Certifications, Trainings and Licenses

Certified Police Officer through the Criminal Justice Training Council
United States Coast Guard Master 100 Ton Captain
Certified through FEMA for Port and Vessel Security
Nationally Certified as a Boat Operator and Crewman
Attended Marine Firefighting and Marina Fire Training
Commercial Boat offshore safety training
United States Merchant Marine Officer
Certified Massachusetts Harbormaster
Search and Rescue Certified
CPR / First Aid and AED Certified
First Responder Certified
Taser Certified

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

COMMUNICATIONS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 28, 2019

EMERGENCY PREAMBLE

Pursuant to Charter Section 2-9 (b) and as further defined in Section 1-7(7) an emergency exists due to the fact that the matter referenced in COMM153_05_28_19, a block party application for the residents of Pheasant Run Lane, is time-sensitive due to the event being close in time to this meeting.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that Rule 12A be waived and COMM153_05_28_19 may be voted upon at its first introduction to this Council.

Councillor Barry N. Connell



CITY CLERK'S OFFICE
NEWBURYPORT, MA
2019 MAY -8 AM 11:09

CITY OF NEWBURYPORT
60 PLEASANT STREET
NEWBURYPORT, MA 01950

BLOCK PARTY APPLICATION

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

DATE OF REQUEST: May 1, 2019

CONTACT INFORMATION

FIRST AND LAST NAMES: Lori McIntosh

MAILING ADDRESS: 10 Tyng Street, NBPT

PHONE NUMBER: (414) 303-2341

E-MAIL ADDRESS: lorimcintosh2010@hotmail.com

BLOCK PARTY INFORMATION

BLOCK PARTY DATE: Friday June 14, 2019

DESIRED STREET CLOSING LOCATION: Tyng @ Merrimack + Tyng @ Monroe
Please indicate cross streets when requesting the closing of street sections

STREET TO BE BARRICADED: Tyng Street (lower)

DESIRED STREET CLOSING TIME: 5:00 PM

Block Parties should run no later than 10:00 p.m.

REGULATIONS

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

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

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

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

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

Applicant signature:  Date: May 1, 2019

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHALL

4 Green Street

FIRE CHIEF

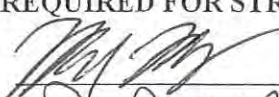
Greenleaf Street


DEPUTY DIRECTOR


1 Perry Way

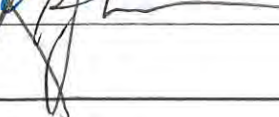
CITY CLERK

60 Pleasant Street

 5/2/19

 5/6/19

 _____

 5/22/19

City use only:

Approved _____ Denied _____ Date _____

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 28, 2019

EMERGENCY PREAMBLE

Pursuant to Charter Section 2-9 (b) and as further defined in Section 1-7(7) an emergency exists due to the fact that the matter referenced in COMM154_05_28_19, a block party application for the residents of Pheasant Run Lane, is time-sensitive due to the date of the event being prior to the next Council meeting on June 10, 2019.

Therefore, the City Council hereby affirmatively declares that an emergency exists such that Rule 12A be waived and COMM154_05_28_19 may be voted upon at its first introduction to this Council.

Councillor Barry N. Connell



CITY CLERK'S OFFICE
NEWBURYPORT, MA
MAY 20 PM 2:06

CITY OF NEWBURYPORT
60 PLEASANT STREET
NEWBURYPORT, MA 01950

BLOCK PARTY APPLICATION

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

DATE OF REQUEST: 5/9/19

CONTACT INFORMATION

FIRST AND LAST NAMES: Erin LaRosa

MAILING ADDRESS: 8 wildwood Dr.

PHONE NUMBER: 617-510-8139

E-MAIL ADDRESS: erinleighmoon@yahoo.com

BLOCK PARTY INFORMATION

BLOCK PARTY DATE: 6/8/19

DESIRED STREET CLOSING LOCATION: Pheasant Run Ln.
Please indicate cross streets when requesting the closing of street sections

STREET TO BE BARRICADED: Pheasant Run Ln.

DESIRED STREET CLOSING TIME: 3:30 - 9:30 p.m.
Block Parties should run no later than 10:00 p.m.

REGULATIONS

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

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

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

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

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

Applicant signature: Eun Moon LaResa Date: 5/9/19

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHALL
4 Green Street

[Signature] 5/10/19

FIRE CHIEF
Greenleaf Street

[Signature] 5/14/19

DEPUTY DIRECTOR
1 Perry Way

[Signature] 5/22/19

CITY CLERK
60 Pleasant Street

City use only:

Approved _____ Denied _____ Date _____

**APPOINTMENTS
SECOND READING**

SECOND READING APPOINTMENTS

- APPT100_05_13_19 Laurie Pierce 15 Second St, Amesbury Chief Procurement Officer
- APPT101_05_13_19 Katie Nye 8 Russell Terr Human Rights Comm 5/31/2021
- APPT102_05_13_19 Eileen Ryan 350 High St Human Rights Comm 6/1/2021

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

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 28, 2019

AN ORDER TO ADD A NEW HANDICAPPED PARKING SPACE PURUSANT TO SECTION 166 (AMENDMENT, ADDITION AND DELETION BY ORDER) OF CHAPTER 13 (TRAFFIC AND MOTOR VEHICLES) OF THE MUNICIPAL CODE

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 13-179	Handicapped Zones

Amend Section 13-179 by inserting a new line, as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

No person, without a duly authorized handicapped vehicle registration or placard, as described in M.G.L.A. c. 90, § 2 shall park a vehicle in any of the following described parking spaces as designated by signs and symbols:

Lime Street

One (1) space on easterly side of Lime Street starting at twenty (20) feet from Water Street and running for a distance of twenty (20) feet in a southerly direction.

This space expires on June 15, 2022.

Councillor Sharif I. Zeid

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 28, 2019

THAT, the City of Newburyport establishes the following water and sewer rates effective July 1, 2019:

Water Rate

	<u>Residential</u>	<u>Non-Residential</u>
<u>Consumption</u>		
First 3,000 cubic feet:	\$5.63 per 100 cu. ft.	\$5.63 per 100 cu. ft.
3,001 cubic feet and over:	\$6.38 per 100 cu. ft.	\$6.38 per 100 cu. ft.
<u>Service Charge</u>		
Customers with meters 1 inch or smaller:	\$25.00 per quarter	\$30.00 per quarter
Customers with meters larger than 1 inch:	\$125.00 per quarter	\$125.00 per quarter

Sewer Rate

	<u>Newburyport/Plum Island</u>	<u>Newbury (Old Town)</u>
<u>Consumption</u>		
First 3,000 cubic feet:	\$9.55 per 100 cu. ft.	\$9.55 per 100 cu. ft.
3,001 cubic feet and over:	\$10.31 per 100 cu. ft.	\$10.31 per 100 cu. ft.
<u>Service Charge</u>		
All customers:	\$25.00 per quarter	\$30.00 per quarter

Councillor Charles F. Tontar



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY

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

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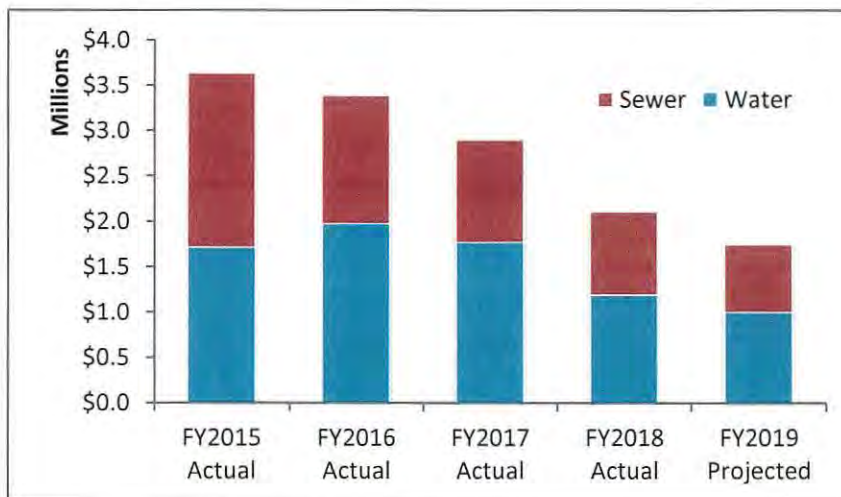
Donna D. Holaday

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: May 21, 2019
Subject: FY2020 Water/Sewer Rates

On May 15, 2019, the Board of Water and Sewer Commissioners voted unanimously to recommend the rates for FY2020 as reflected in the order sponsored by Councillor Tontar. The recommended rates would increase the average annual water/sewer charge by \$49 or 3.7% and utilizes no retained earnings (reserves) to balance the budget. While reserves have been used to help mitigate rate increases in some years, I feel that is not warranted this year for three primary reasons: 1) decreased consumption, 2) reduced reserve balances and 3) ongoing capital needs for both enterprise funds.

Decreased Consumption: The FY2020 rate calculation reduces the consumption estimate for both water and sewer funds to reflect current usage trends. Specifically, 68.1 million cubic feet for water and 63.5 million cubic feet for sewer; representing a decrease of approximately 2.3% over the past five years. This decreased consumption follows regional and national trends, largely driven by high efficiency appliances and fixtures, as well as, more mindful consumers.

Reduced Reserve Balances: We expect to finish FY2019 with approximately \$1,000,000 million in Water Enterprise Fund retained earnings and \$750,000 in Sewer Enterprise Fund retained earnings. While these are still healthy balances for the funds, they do represent reduced balances over the past five years as indicated in the graph below.



Ongoing Capital Needs: The City has made significant capital investments to improve the infrastructure of the water and sewer system, however with any aging system, we are never caught up as evidenced by the five-year capital improvement program. We must have the resources in place to meet these needs and maintain our utility system.

I fully support the recommendation of the Board of Water and Sewer Commissioners as we establish water and sewer rates for FY2020.

Thank you for your consideration.

Water/Sewer Rates FY2016-FY2020

May 2019

	<u>FY2016</u> Approved	<u>FY2017</u> Approved	<u>FY2018</u> Approved	<u>FY2019</u> Approved	<u>FY2020</u> Recommended	<u>+/-</u>
<u>Water Rate</u>						
<u>Consumption per 100 cu. Ft.</u>						
First 3,000 cubic feet:	\$5.57	\$5.57	\$5.57	\$5.54	\$5.63	\$0.09
3,001 cubic feet and over:	\$6.31	\$6.31	\$6.31	\$6.29	\$6.38	\$0.09
<u>Service Charge per Quarter (Residential)</u>						
Customers with meters 1 inch or smaller:	\$20	\$20	\$20	\$25	\$25	\$0
Customers with meters larger than 1 inch:	\$101	\$101	\$101	\$125	\$125	\$0
<u>Service Charge per Quarter (Non-Residential)</u>						
Customers with meters 1 inch or smaller:	\$25	\$25	\$25	\$30	\$30	\$0
Customers with meters larger than 1 inch:	\$102	\$102	\$102	\$125	\$125	\$0
<u>Sewer Rate</u>						
<u>Consumption per 100 cu. Ft.</u>						
First 3,000 cubic feet:	\$8.34	\$8.34	\$8.34	\$9.01	\$9.55	\$0.54
3,001 cubic feet and over:	\$9.09	\$9.09	\$9.09	\$9.76	\$10.31	\$0.55
<u>Service Charge per Quarter</u>						
Newburyport/Plum Island customers:	\$18	\$18	\$18	\$25	\$25	\$0
Newbury (Old Town) customers:	\$23	\$23	\$23	\$30	\$30	\$0
<u>Average Annual Water/Sewer Charge (based on 7,750 cubic feet)</u>						
Annual Charge:	\$1,230	\$1,230	\$1,230	\$1,328	\$1,376	\$49
Quarterly Charge:	\$308	\$308	\$308	\$332	\$344	\$12
Change from Prior Year (\$):	\$148	\$0	\$0	\$82	\$49	
Change from Prior Year (%):	13.7%	0.0%	0.0%	6.7%	3.7%	

ORDINANCES



IN CITY COUNCIL

ORDERED:

May 28, 2019

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED HEALTH AND SANITATION

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

**Chapter 8 - HEALTH AND SANITATION
ARTICLE III. - SOLID WASTE
DIVISION 1. – GENERALLY**

Delete Sections 8-81, 8-82, 8-83 and 8-84. –in their entirety and replace them with the following Sections:

Sec. 8.60. - Purposes and intent.

The purpose of this article is to regulate and reduce the amount of trash that an eligible household, institution or establishment can put out for curbside solid waste pick up; to encourage overall solid waste reduction, reduce solid waste costs to the city and lessen the impact on the environment.

Sec. 8.61 Definitions.

City sponsored bag shall mean a crimson colored plastic bag with the city's logo printed on it.

Eligible -Eligibility does not include any owner/association of a building with 9 or more residential units, any business outside the downtown district, private roads that are not approved by the Health Department, nor private or charter schools

Household (HH) means the single residential unit within a single or multi-family dwelling.

Litter means any waste material which, if thrown or deposited in a manner prohibited by this article, tends to create a danger to public health, quality of life, safety and welfare.

Municipal collection program means the program that collects solid waste and recyclable materials including yard waste, white goods (Freon and non-Freon bearing), all televisions and all computer displays from all eligible residents, all mixed use buildings, all municipal facilities or locations and city schools.

PAYT (pay as you throw) program means the city pay as you throw trash collection program whereby residential trash must be contained in an official PAYT trash bag or bear a bulky item sticker.

Public place means and includes any and all streets, sidewalks, boulevards, alleys, or other public ways and any and all public parks, squares, spaces, grounds and buildings.

Recycling means any method, technique or system authorized to process or treat discarded materials so that its components, materials or substances may be beneficially used or reused.

Residential unit or dwelling means a dwelling within the corporate limits of the city occupied by a person or group of persons and comprised of not more than eight units.

Trash means material considered worthless, unnecessary or offensive that is usually thrown away. The term "trash" is generally defined as dry waste material, but in common usage it is a synonym for garbage, rubbish or refuse, but not to include recyclables or yard waste.

Vehicle means every device in, or upon which any person or property is or may be transported or drawn upon a highway, or public way.

Yard waste means vegetation that includes: grass clippings, leaves, twigs, branches, brush (including Christmas trees), weeds and all organic material that can be composted, but not including, railroad ties or other yard related materials that has been treated with chemical preservatives.

Sec. 8-62. - Business district described.

The boundaries of the business district are Water Street (commencing at W.E. Atkinson Co.), Market Square, Merrimac Street to Green Street (west side), State Street, Pleasant Street to Titcomb Street, Green Street, Harris Street, Hale's Court, Unicorn Street, Prince

Place, Inn Street, Center Street, Liberty Street to Center Street, and Middle Street to Center Street.

Sec. 8-63. - Commercial containerization and removal.

All establishments, institutions and residential inhabitants which generate solid waste for collection by refuse contractor and city department of public works, and previously approved by them, shall abide by the requirements prescribed in this article.

Sec. 8-64. Solid Waste Containerization and Pay As You Throw Bags

All eligible establishments, institutions and residential inhabitants which generate solid waste for collection by the city's solid waste contractor and city department of public works, and approved for use by the city, shall abide by the requirements prescribed in this article. The official Newburyport 32 gallon cart and any overthrow Newburyport PAYT bags shall be placed at the curb not later than 7.00 am on the day of collection. The total limit on the amount of trash that can be put out is 3 -32 gallon barrels or 5 15 gallon size bags.

Sec. 8-65. Regulations.

(a) No disposable refuse shall be exhibited for collection prior to 5:00 p.m. on the day before the day of collection.

(b)(1) Commercial and residential disposable refuse in the downtown district must be placed in closed containers. All loose material shall be broken down and securely tied.

(2) Residential disposable refuse outside of the downtown district must be placed in closed containers or durable heavy bags and securely tied. All loose material shall be broken down and securely tied.

(c) Commercial refuse containers shall be removed from sidewalks within one (1) hour after collection. Residential containers shall be removed from the street by 6:00 p.m. on the day of collection.

(d) It shall be unlawful for any owner, manager or employee of a commercial establishment or institution or resident of the boundary area described in **section 8-61** to deposit solid waste from that commercial establishment, institution or residence in any receptacle maintained by the city for the disposal of litter by pedestrians.

(e) All commercial, institutional and residential customers will place disposable refuse in such a manner as not to interfere with motorist or pedestrian travel.

(f) Enforcement of these provisions shall be by the police department, board of health or department of public services. Each offense of subsections (a) through (e) and (h) shall be punishable by a fine of twenty-five dollars (\$25.00).

(g) No dumpsters shall be picked up and/or emptied in residential areas between the hours of 10:00 p.m. and 7:00 a.m. Penalty for violation of this subsection shall be a written warning for the first offense, followed by a three-hundred-dollar fine for each subsequent offense issued to the operator of the vehicle. Enforcement of this provision shall be by the police department.

(h) Said disposable refuse shall be the property of the owner, representative of the owner, occupant or operator.

- a. Each eligible establishment, institution and residential inhabitant household will receive one 32-gallon cart
- b. All eligible establishments, institutions and residential inhabitants must place solid waste in closed 32 gallon trash cart.
- c. The top of the cart must be closed and solid waste cannot be above water level. Anything over water level will be left behind.
- d. Disposable solid waste that does not fit inside the cart must be in Official City of Newburyport crimson bag.
- e. The city bags will be sold at area retail establishment for a fee of \$2 per 15 gallon bag and \$4 per 30 gallon bag.
- f. No disposable solid waste shall be exhibited for collection prior to 5:00 p.m. on the day before the day of collection.
- g. All eligible commercial, institutional and residential customers will place solid waste in such a manner as not to interfere with motorist or pedestrian travel.
- h. Bags and/or barrels cannot weigh more than 50 pounds.
- i. To dispose of an item that does not fit in the city bag, one will need to purchase a \$5 Bulk Item Sticker.
- j. No recyclable material is allowed in the trash and is subject to a xxxx fine.
- k. No appliances, computers or monitors, construction material, wood, or metal items are allowed in the trash.
- l. It shall be unlawful for any owner, manager or employee of a commercial establishment or institution or resident in the city to deposit solid waste from that commercial establishment, institution or residence in any receptacle maintained by the city for the disposal of litter by pedestrians.
- m. Said solid waste refuse shall be the property of the owner, representative of the owner, occupant or operator.
- n. The city has the right to look into trash carts and bags for ownership information if it doesn't meet criteria or appears unclaimed.

The Board of Health is hereby authorized to enact from time to time such regulations as it shall deem in the public interest for the; scheduling, collection, separation, recovery, removal, storage, rates for fines and disposition of solid waste material. Such regulations shall require a two-thirds vote of the board of health for passage. The regulations shall become effective immediately upon passage and they shall be published within seven (7) days of passage once in a daily newspaper having circulation in the City of Newburyport.

Rules and regulations pertaining to this section are listed under the Health and Recycling Departments on the city's web site.

Sec. 8-66. - Litter in public places.

No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the city, except in public receptacles or in authorized private receptacles provided for collection of such refuse. Each such offense shall be punishable by a fine of fifty dollars (\$50.00).

Sec. 8-67. - Responsibilities of collector.

The collector shall be required to comply with all responsibilities as required in the most recent contract or amendments thereto between the City of Newburyport and said collector. If the City of Newburyport directly assumes the responsibility of collector then the city through its board of health shall develop a scope of responsibilities to identify all responsibilities of the city in collection of solid waste and recyclables.

Sec. 8-68. - Enforcement and penalties.

Any person, firm, or corporation that violates or neglects to comply with any provisions of this division or any regulation promulgated pursuant hereto shall be fined in an amount not to exceed one hundred dollars (\$100.00) for each violation. Such fines shall be of a noncriminal nature and shall be as follows: First violation fifty dollars (\$50.00), the second violation seventy-five dollars (\$75.00), and the third one hundred dollars (\$100.00). Such fines shall be levied by the administrative official as defined above. Enforcement of this division shall be the responsibility of the board of health.

Councillor Barry N. Connell

Councillor Afroz Khan

NEWBURYPORT WASTE STREAM

Faced with a nearly 40% increase in waste removal expenses, Mayor Holaday and the City's Recycling and Energy Office created a task force comprised of community members, industry experts and state officials to deal with the City's high waste and recycling price increases. Its role was to evaluate options and develop a recommendation for the City of Newburyport to minimize waste and contain costs.

The task force assessed the rapid increase in the cost of waste and recycling collection and processing, explored alternative solutions, analyzed other communities' best practices and sought input from community members to recommend the best course of action for Newburyport. It found that trends indicate a need to put in place a systematic and long term approach to reduce waste volume and contain and control costs by initiating a trash reduction system.

After significant analysis, the task force is providing the following recommendations: weekly trash collection will include one 32 gallon cart per household at no charge. Additionally, any trash in excess of the cart must be disposed of in specially marked overthrow bags that will be made available for purchase locally. By implementing this plan, Newburyport will qualify for a grant which will provide a new 32 gallon cart to every household at no cost to homeowners. There are no recommended changes to the management of recyclable or organic waste at this time.

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May, 2019

CHANGE FOR GOOD

Why change now?

- Landfills are full and closing and incinerators are near 100% capacity
- State moratorium on building additional incinerators
- Some Mass. waste is being shipped out of state
- Rapidly rising costs for disposal, collection and hauling

Why the need to control costs?

- Address and control rising waste disposal costs
- Establish fairness for all taxpayers

What's been done to date?

- Launched a toward zero waste pilot program
- Instituted City-wide compost subscription program
- Expanded drop-off recycling options to include multiple items
- Developed multiple educational formats for all users

How can I participate?

- Think before you toss
- Compost in your yard or with *Black Earth Compost*
- Utilize City's Reuse and Repair options
- Visit City's recycling center
- Learn more about the City's Recycling IQ Program

