

CITY COUNCIL MEETING AGENDA - VERSION 1
CITY COUNCIL CHAMBERS
JUNE 12, 2017

7:30PM

(Sound Check)

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

CONSENT AGENDA

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

7. APPROVAL OF MINUTES

May 30, 2017

(Approve)

8. TRANSFERS

- **TRAN035_06_12_17** Swr Retained Earnings \$675K to FY18 Budget Rsrv \$675K (B&F)
- **TRAN036_06_12_17** Wtr Retained Earnings \$300K to Meter Replace Proj \$100K (B&F)
Water Main Replace Proj \$200K

9. COMMUNICATIONS

- **COMM069_06_12_17** Air Quality Analysis of Intermodal Facility (P&D)
- **COMM070_06_12_17** Police Report on Taxi Inspections June 6, 2017 (R&F)
- **COMM071_06_12_17** A-Frames - Firehouse Center for the Arts (L&P)
- **COMM072_06_12_17** Table in Market Square - Exchange Club - 8/19, 8/26 (L&P)
- **COMM074_06_12_17** A-Frames - Harbor Creamery (L&P)
- **COMM075_06_12_17** Block Party - Dove Street - 8/5 (PS)
- **COMM077_06_12_17** Appointment of Mary Karabatsos on the NHA Board (R&F)

10. APPOINTMENTS

Re-Appointments

- | | | | | |
|---------------------------|--------------------|-----------------|-------------------|----------|
| • APPT044_05_30_17 | Madeline Nash | 19 Arlington St | Aff Housing Trust | 5/1/2018 |
| • APPT045_05_30_17 | William K. Todd | 8 Foster Ct | Historical Comm | 7/1/2020 |
| • APPT046_05_30_17 | Richard A. Eaton | 4 Horton St | Trust Fund Comm | 7/1/2020 |
| • APPT047_05_30_17 | Richard J. O'Brien | 41 Olive St | Trust Fund Comm | 7/1/2020 |

END OF CONSENT AGENDA
REGULAR AGENDA

11. MAYOR'S UPDATE

12. COMMUNICATIONS

- COMM073_06_12_17 Table in Market Square - Alzheimer's Association - 6/21
- COMM076_06_12_17 Block Party - Tyng Street - 6/23

13. APPOINTMENTS

| | | Second Reading | | |
|--------------------|-----------------------|------------------------|---------------------|-----------|
| | | Re-Appointments | | |
| • APPT035_05_30_17 | Karen B. Wiener | 7 Lincoln St | Aff Housing Trust | 6/1/2018 |
| • APPT036_05_30_17 | Dan Bourdeau, PE | 376 High St | Conserv Comm | 6/1/2020 |
| • APPT037_05_30_17 | Douglas A. Muir | 10 Hancock St | Conserv Comm | 5/1/2020 |
| • APPT038_05_30_17 | Brian Brunault | 83 Garden St | Constable Civil Bus | 7/1/2021 |
| • APPT039_05_30_17 | Miller Graf | 2 Rawson Hill Rd | Council on Aging | 5/31/2022 |
| • APPT040_05_30_17 | Leslie Eckholdt | 36 Warren St | Fruit St Local | 5/1/2020 |
| • APPT041_05_30_17 | Karen Popken | 49 Boardman St | Parks Comm | 5/1/2018 |
| • APPT042_05_30_17 | Brendan J. Coffey, PE | 7 Park St | WaterSewer Comm | 5/1/2020 |
| • APPT043_05_30_17 | Edmund L. Kelley | 24 Dorothy Lucey Dr | WaterSewer Comm | 5/1/2020 |

14. ORDERS

- ORDR031_06_12_17 FY2018 Revolving Fund Order
- ORDR032_06_12_17 Nock Parking Lot Order
- ORDR033_06_12_17 Stop Sign at Plummer Ave
- ORDR034_06_12_17 Handicapped Parking Space - 13 Parsons Street
- ORDR035_06_12_17 Budget Order FY 2018
- ORDR036_06_12_17 Resolution Gay Pride Month
- ORDR037_06_12_17 Contractor Application - Northern Drill Services
- ORDR038_06_12_17 Contractor Application - Brennan Construction, Inc.

15. ORDINANCES

- ODNC011_05_31_16 Amend Transient Vendors for Cashman (**SECOND READING**)
- ODNC015_08_29_16 25 MPH Speed Zones (**SECOND READING**)
- ODNC007_06_12_17 Zoning Amendment - I2 Zone Change

15. COMMITTEE ITEMS

Budget & Finance

In Committee:

- ORDR002_01_25_16 Accept Gift of \$25,000 Repairing Brown's Wharf Culvert (**COTW**)
- ORDR009_02_08_16 Increase Fees for Fire Dept.
- ORDR010_02_08_16 Increase Fines Parking Violations
- ORDR039_05_31_16 Increase Hourly Parking Rate to \$1.50
- ORDR079_09_26_16 Movie Location Order (**L&P**)
- ORDR080_09_26_16 **LATE FILE** Order of Taking Parking Facility (**P&D**)
- TRAN005_02_27_17 Free Cash 25K to Dog Park Project 25K

- **ORDR010_02_27_17** Dog Park Grant Acceptance
- **COMM032_03_28_17** Line Items Reduced in FY17 Adopted Budget
- **TRAN018_04_10_17** Multiple Accounts \$300K to Nock/Molin Parking Lot Repairs \$300K
- **TRAN022_04_24_17** PI Utility Fund \$1.9M to PI Hydrant Replacement \$1.9M **(PU)**
- **TRAN027_05_08_17** Fir Fuel/Oil Vehicles \$15K to Fir Maint - Vehicles \$15K
- **COMM051_05_08_17** FY2018 Proposed Budget **(COTW)**
- **TRAN029_05_30_17** BDR Elections & Reg \$1K to CLK Admin \$1K
- **TRAN030_05_30_17** Solid Waste Fee \$24,723.22 to Household Haz Waste \$12K, Sal Recycle Mgr \$12,723.22
- **TRAN031_05_30_17** Lib Sal Staff \$10K to Lib Maint Equip \$10K
- **TRAN032_05_30_17** Free Cash \$233,603.67 to Snow & Ice Labor \$41,201.75, Snow & Ice Expenses \$192,401.92
- **TRAN033_05_30_17** Free Cash \$25K to LGL City Solicitor \$25K
- **TRAN034_05_30_17** Free Cash \$70K to Fire Overtime \$70K
- **COMM064_05_30_17** City Clerk Contract – 3 year
- **ORDR027_05_30_17** Loan Order – Intermodal Parking Facility Land Acquisition **(COTW)**
- **ORDR028_05_30_17** Gift Acceptance – Sunscreen Dispenser
- **ORDR029_05_30_17** Grant Acceptance – Tower Foundation

General Government

In Committee:

- **ORDR016_04_10_17** Extension of Intermunicipal Agreement for Shared Animal Control
- **COMM066_05_30_17** Amendment to Funding Contribution Article 5 **(COTW)**

Joint Education

In Committee:

License & Permits

In Committee:

- **COMM010_01_25_16** Licensing Commission Acoustic & Amplified Entertainment
- **ORDR079_09_26_16** Movie Location Order **(B&F)**
- **ODNC001_01_30_17** BYOB Ordinance
- **COMM028_03_13_17** **LATE FILE** Ltr from Smitten LLC re: A-Frames
- **COMM057_05_08_17** Memo from Sgt Whitney to Port Taxi re: suspension of 5 taxi (Port)
- **COMM058_05_08_17** Memo from Sgt Whitney to City re: suspension of 5 taxi permits (Port) including information from Port Taxi delivered to Clerk on May 8, 2017
- **COMM059_05_30_17** Port Taxi Memos – Suspension of Taxi Permits

Neighborhoods and City Services

In Committee:

- **ODNC001_01_11_16** Amend Ch11 Parks and Recreation **(COTW)**
- **ORDR048_06_13_16** Sidewalk Order
- **COMM048_04_24_17** Ltr from Merchants re: Downtown Events **(PS)**
- **COMM068_05_30_17** **LATE FILE** Ask A Priest, IC Parish – 6/30-9/1, 6-8:30pm
- **ODNC006_05_30_17** Amend Sec. 3-2 Disposal of Animal Waste

Planning & Development

In Committee:

- **COMM076_07_11_16 LATE FILE** Boyd Drive Petition
- **ORDR080_09_26_16 LATE FILE** Order of Taking Parking Facility (**B&F**)
- **COMM096_10_31_16** Draft of Newburyport's Master Plan
- **COMM114_12_12_16** Memo on Master Plan - Work Plan and Appendix XX
- **COMM023_02_27_17** Zoning Changes to Waterfront West (**COTW**)
- **COMM024_03_13_17** Newburyport's Master Plan - Final Document (**COTW**)
- **COMM030_03_28_17** Pres. Trust Ltr to City Council re: 1690 House
- **COMM034_03_28_17** Evergreen Special Permit Issued by Planning Board
- **COMM038_03_28_17** Lower Custom House Way
- **ORDR015_04_10_17** Complete Streets Policy (**PU**)
- **ODNC003_04_10_17** Zoning Amendment - Hardship for Variances
- **ODNC004_04_10_17** Zoning Amendment - Zoning Administrator

Public Safety

In Committee:

- **ORDR077_09_12_16** Parking Restricted on Daniel Lucy Way
- **COMM048_04_24_17** Ltr from Merchants re: Downtown Events (**N&CS**)
- **ORDR019_04_24_17** Stop Signs at Temple and Fair
- **COMM060_05_30_17** Block Party – Pheasant Run Drive – 6/30/17
- **COMM062_05_30_17** Lion's Club Yankee Homecoming Road Race – 8/1/2017
- **COMM063_05_30_17** Slow Bike Race – 8/2/17
- **ORDR025_05_30_17** Parking – Hales Court Lot
- **ORDR026_05_30_17** Handicapped Parking Space – Summit Place
- **ORDR030_05_30_17** Handicapped Parking Space - 13 Parsons Street

Public Utilities

In Committee:

- **COMM060_05_31_16** Mobilitie, LLC Highway Access Permit
- **ORDR015_04_10_17** Complete Streets Policy (**P&D**)
- **TRAN022_04_24_17** PI Utility Fund \$1.9M to PI Hydrant Replacement \$1.9M (**B&F**)

Rules Committee

In Committee:

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

16. GOOD OF THE ORDER

17. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
MAY 30, 2017

7:30PM

The City Council President called the meeting to order at 7:31pm. A moment of silence was held for the victims of the Manchester bombing and for Christina Rushton-Power. The Council President led the Council in the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Connell, Cronin, Earls, Eigerman, Giunta, Tontar, Vogel, Zeid, Cameron, OBrien. 9 present (Devlin 7:36pm), 1 absent (Giunta).

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS Mayor's Update, COMM068_05_30_17

Motion to waive the rules, to accept late files, by Councillor Zeid, seconded by Councillor Cameron. So voted.

5. PUBLIC COMMENT

| | | |
|--------------------|------------------|------------------------|
| 1. Elizabeth Heath | 25 Oak St | Ad Hoc Central WFT |
| 2. Bill Harris | 56 Lime St | Ad Hoc Central WFT |
| 3. John Brown | 42 Federal St | Transient Vendors |
| 4. Leslie Eckholdt | 36 Warren St | Ad Hoc Central WFT |
| 5. Sandra Turner | 55 Northern Blvd | Transient Vendors |
| 6. Susan Hern | 22 Broad St | NBPT Harbormaster |
| 7. Drew Shapiro | 20 Eagle St | 25mph Speed Zones |
| 8. Patrick Ryan | 10 Bromfield St | Transient Vendors |
| 9. Ginny Eramo | 28R Toppans Ln | Parking Garage |
| 10. Steve Dinunzio | 13 Summer St | Transient Vendors |
| 11. Pam Ketchum | 15 Washington St | Parking Garage |
| 12. Rob Germinara | 2 Ashland St | Lower Custom House Way |

6. MAYOR'S COMMENT

The mayor gave an update pursuant to her written communication and also a resolution on National Gun Violence Awareness with Moms Against Gun Violence.

CONSENT AGENDA

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7. APPROVAL OF MINUTES

May 8, 2017

(Approve)

JE pulled minutes from Consent Agenda, the Clerk made the following correction: ORDR019 was referred back to Public Safety, not approved as stated in the minutes. So noted.

8. TRANSFERS

- **TRAN029_05_30_17** BDR Elections & Reg \$1K to CLK Admin \$1K

(B&F)

- **TRAN030_05_30_17** Solid Waste Fee \$24,723.22 to Household Haz Waste \$12K, Sal Recycle Mgr \$12,723.22 (B&F)
- **TRAN031_05_30_17** Lib Sal Staff \$10K to Lib Maint Equip \$10K (B&F)
- **TRAN032_05_30_17** Free Cash \$233,603.67 to Snow & Ice Labor \$41,201.75, Snow & Ice Expenses \$192,401.92 (B&F)
- **TRAN033_05_30_17** Free Cash \$25K to LGL City Solicitor \$25K (B&F)
- **TRAN034_05_30_17** Free Cash \$70K to Fire Overtime \$70K (B&F)

9. COMMUNICATIONS

- **COMM060_05_30_17** Block Party – Pheasant Run Drive – 6/30/17 (PS)
- **COMM061_05_30_17** Pan Merrimack Challenge Ride – 6/17/17 (PS)
BC changed to R&F
- **COMM062_05_30_17** Lion’s Club Yankee Homecoming Road Race – 8/1/2017 (PS)
- **COMM063_05_30_17** Slow Bike Race – 8/2/17 (PS)
- **COMM064_05_30_17** City Clerk Contract – 3 year (B&F)
- **COMM065_05_30_17** Ltr from Kyle Hodsdon, NHS Director of Athletics (R&F)
- **COMM066_05_30_17** Amendment to Funding Contribution Article 5 (GG, COTW)

10. APPOINTMENTS

Re-Appointments

| | | | | |
|---------------------------|-----------------------|---------------------|---------------------|-----------|
| • APPT035_05_30_17 | Karen B. Wiener | 7 Lincoln St | Aff Housing Trust | 6/1/2018 |
| • APPT036_05_30_17 | Dan Bourdeau, PE | 376 High St | Conserv Comm | 6/1/2020 |
| • APPT037_05_30_17 | Douglas A. Muir | 10 Hancock St | Conserv Comm | 5/1/2020 |
| • APPT038_05_30_17 | Brian Brunault | 83 Garden St | Constable Civil Bus | 7/1/2021 |
| • APPT039_05_30_17 | Miller Graf | 2 Rawson Hill Rd | Council on Aging | 5/31/2022 |
| • APPT040_05_30_17 | Leslie Eckholdt | 36 Warren St | Fruit St Local | 5/1/2020 |
| • APPT041_05_30_17 | Karen Popken | 49 Boardman St | Parks Comm | 5/1/2018 |
| • APPT042_05_30_17 | Brendan J. Coffey, PE | 7 Park St | WaterSewer Comm | 5/1/2020 |
| • APPT043_05_30_17 | Edmund L. Kelley | 24 Dorothy Lucey Dr | WaterSewer Comm | 5/1/2020 |

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

**END OF CONSENT AGENDA
REGULAR AGENDA**

11. MAYOR’S UPDATE

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

12. COMMUNICATIONS

- **COMM056_05_08_17** Ad Hoc Central Waterfront Committee – Report to Full Council (**TABLED**)
Motion to remove COMM056_05_08_17 by Councillor Eigerman, seconded by Councillor Earls. So voted. Motion to remove COMM067_05_30_17 by Councillor Zeid, seconded by Councillor Cameron. So voted. Motion to replace COMM056_05_08_17 with COMM067_05_30_17 by Councillor Zeid, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Giunta). Motion passed.
- **COMM059_05_30_17** Port Taxi Memos – Suspension of Taxi Permits

Removed from Consent Agenda by Councillor Earls. Motion to receive and file by Councillor Earls, seconded by Councillor Zeid, withdrawn. Motion to refer to License & Permit by Councillor Earls, seconded by Councillor Zeid. So voted.

- **COMM067_05_30_17** Ad Hoc Central Waterfront Committee Report w/ Proposed Amendments
- **COMM068_05_30_17 LATE FILE** Ask A Priest, IC Parish – 6/30-9/1, 6-8:30pm
Motion to refer to Neighborhood & City Services by Councillor Connell, seconded by Councillor Zeid. So voted.

13. ORDERS

- **ORDR025_05_30_17** Parking – Hales Court Lot
Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Cameron. So voted.
- **ORDR026_05_30_17** Handicapped Parking Space – Summit Place
Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Devlin. So voted.
- **ORDR027_05_30_17** Loan Order – Intermodal Parking Facility Land Acquisition
Motion to refer to Budget & Finance and Committee of the Whole by Councillor Tontar, seconded by Councillor Cameron. 8 yes, 1 no (OBrien), 1 recused (Vogel), 1 absent (Giunta). Motion passed.
- **ORDR028_05_30_17** Gift Acceptance – Sunscreen Dispenser
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **ORDR029_05_30_17** Grant Acceptance – Tower Foundation
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **ORDR030_05_30_17** Handicapped Parking Space - 13 Parsons Street
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Tontar. So voted.

14. ORDINANCES

- **ODNC002_03_28_17** Amend Sec 2 – 368, 14 – 32, Water and Sewer Board (**2nd READING**)
Motion to approve by Councillor Eigerman, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Giunta). Motion passed.
- **ODNC005_05_08_17** Update of Rules for Special Events (**2nd READING**)
Motion to approve by Councillor Zeid, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Giunta). So voted.
- **ODNC006_05_30_17** Amend Sec. 3-2 Disposal of Animal Waste
Motion to refer to Neighborhood & City Services by Councillor Eigerman, seconded by Councillor Cameron. So voted.

15. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR002_01_25_16** Accept Gift of \$25,000 Repairing Brown's Wharf Culvert (**COTW**)
- **ORDR009_02_08_16** Increase Fees for Fire Dept.
- **ORDR010_02_08_16** Increase Fines Parking Violations
- **ORDR039_05_31_16** Increase Hourly Parking Rate to \$1.50
- **ORDR079_09_26_16** Movie Location Order (**L&P**)
- **ORDR080_09_26_16 LATE FILE** Order of Taking Parking Facility (**P&D**)
- **TRAN005_02_27_17** Free Cash 25K to Dog Park Project 25K

- **ORDR010_02_27_17** Dog Park Grant Acceptance
- **COMM031_03_28_17** FY17-FY21 Capital Improvement Program Submission (**COTW**)
 Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. Motion to amend, to take out the fire station on Plum Island, by Councillor Eigerman, seconded by Councillor Cronin. Roll call vote, 6 yes, 4 no (Earls, Tontar, Zeid, Cameron), 1 absent (Giunta). Motion passed. Motion to approve as amended by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 9 yes, 1 present (Zeid), 1 absent (Giunta). Motion passed.
- **COMM032_03_28_17** Line Items Reduced in FY17 Adopted Budget
- **TRAN018_04_10_17** Multiple Accounts \$300K to Nock/Molin Parking Lot Repairs \$300K
- **TRAN022_04_24_17** PI Utility Fund \$2,030,765 to PI Hydrant Replacement 1.9M, SEW Municipal Insurance \$130,765 (**PU**)
 Motion to remove \$130,675 from Budget & Finance, meaning and intending to leave \$1.9M in Plum Island Utility Fund, by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to remove \$130,765 from Public Utilities by Councillor Eigerman, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **TRAN025_05_08_17** Mult Accnts \$98K to LED Streetlight Conversion \$98K (**PU**)
 Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to remove from Public Utilities by Councillor Eigerman, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **TRAN026_05_08_17** Lib Sal Staff \$10K to Lib Maint - Equipment \$10K
 Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Earls. So voted.
- **TRAN027_05_08_17** Fir Fuel/Oil Vehicles \$15K to Fir Maint - Vehicles \$15K
- **COMM051_05_08_17** FY2018 Proposed Budget (**COTW**)

General Government

In Committee:

- **ORDR016_04_10_17** Extension of Intermunicipal Agreement for Shared Animal Control

Joint Education

In Committee:

License & Permits

In Committee:

- **COMM010_01_25_16** Licensing Commission Acoustic & Amplified Entertainment
- **ODNC011_05_31_16** Amend Transient Vendors for Cashman (**COTW**)
 Motion to remove from License & Permit by Councillor Vogel, seconded by Councillor Connell. So voted. Motion to approve by Councillor Vogel, seconded by Councillor Connell. Roll call vote, 4 yes, 6 no (Connell, Devlin, Earls, Eigerman, Vogel, O'Brien), 1 absent (Giunta). Motion failed. Motion to amend section 9-113(b), to change "its rules" to "rules of the City Council", by Councillor Eigerman, seconded by Councillor Vogel. So voted. Motion to amend Section 9-113(c2), to add "at the applicant's sole expense", by Councillor Vogel, seconded by Councillor Devlin. 1 no (Zeid). Motion passed. Motion to amend section 9-114, to add "This ordinance shall supersede any other regulation promulgated by the Board of Health relative to geographic limitations on transient vendors", by Councillor Zeid, seconded by Councillor Earls. So voted. Motion to amend Section 9-114(a), to increase from two to three, by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to amend Section 9-114(a), to increase to four and no less than two, by Councillor Vogel, seconded by Councillor Cameron. Roll call vote, 5 yes, 5 no (Connell, Cronin, Eigerman, Zeid, O'Brien), 1 absent

(Giunta). Motion failed. Motion to amend Section 9-131, to increase to \$1500, by Councillor Vogel, seconded by Councillor Devlin. Roll call vote, 8 yes, 2 no (Earls, Eigerman), 1 absent (Giunta). Motion passed. Motion to amend Section 9-132, to increase to \$2,000,000, by Councillor Vogel, seconded by Councillor Zeid. Roll call vote, 8 yes, 2 no (Eigerman, Vogel), 1 absent (Giunta). Motion passed. Motion to amend Section 9-133(7), to add an “s” to “location”, by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to amend Section 9-135(b), to replace “stands” with “activity”, by Councillor Zeid, seconded by Councillor Tontar. So voted. Motion to approve, as amended, by Councillor Vogel, seconded by Councillor Eigerman. Roll call vote, 10 yes, 1 absent (Giunta). Motion passed.

- **ORDR079_09_26_16** Movie Location Order (**B&F**)
- **ODNC001_01_30_17** BYOB Ordinance
- **COMM028_03_13_17 LATE FILE** Ltr from Smitten LLC re: A-Frames
- **COMM052_05_08_17** Outdoor Seating Application – Mandarava
Motion to remove from License & Permit by Councillor Vogel, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Vogel, seconded by Councillor Cameron. So voted.
- **COMM053_05_08_17** Outdoor Seating Application - Dos Amigos Burritos
Motion to remove from License & Permit by Councillor Vogel, seconded by Councillor Earls. So voted. Motion to approve by Councillor Vogel, seconded by Councillor Earls. So voted.
- **COMM057_05_08_17** Memo from Sgt Whitney to Port Taxi re: suspension of 5 taxi (Port)
Motion to remove COMM057_05_08_17 and COMM058_05_08_17 collectively from License & Permit by Councillor Vogel, seconded by Councillor Cameron. So voted. It was discussed and agreed that Port Taxi has 30 days within which to satisfy the police inspector of taxis. Motion to refer COMM057_05_08_17 and COMM058_05_08_17 collectively to License & Permit by Councillor Vogel, seconded by Councillor Earls. Roll call vote, 10 yes, 1 absent (Giunta). Motion passed.
- **COMM058_05_08_17** Memo from Sgt Whitney to City re: suspension of 5 taxi permits (Port) including information from Port Taxi delivered to Clerk on May 8, 2017

Neighborhoods and City Services

In Committee:

- **ODNC001_01_11_16** Amend Ch11 Parks and Recreation (**COTW**)
- **ORDR048_06_13_16** Sidewalk Order
- **COMM048_04_24_17** Ltr from Merchants re: Downtown Events (**PS**)

Planning & Development

In Committee:

- **COMM076_07_11_16 LATE FILE** Boyd Drive Petition
- **ORDR080_09_26_16 LATE FILE** Order of Taking Parking Facility (**B&F**)
- **COMM091_10_11_16** Ltr to Council from J. Sweet on ZBA
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Zeid. So voted. Motion to receive and file by Councillor Cameron, seconded by Councillor Zeid. So voted.
- **COMM096_10_31_16** Draft of Newburyport's Master Plan
- **COMM114_12_12_16** Memo on Master Plan - Work Plan and Appendix XX
- **COMM023_02_27_17** Zoning Changes to Waterfront West (**COTW**)
- **COMM024_03_13_17** Newburyport's Master Plan - Final Document (**COTW**)
- **COMM030_03_28_17** Pres. Trust Ltr to City Council re: 1690 House
- **COMM034_03_28_17** Evergreen Special Permit Issued by Planning Board

- **COMM035_03_28_17** Rules of Professional Conduct Rule 3.9
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Zeid. So voted. Councillor Cameron stated he will send this memo to City Boards and Commissions.
Motion to receive and file by Councillor Cameron, seconded by Councillor Zeid. So voted.
- **COMM038_03_28_17** Lower Custom House Way
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Zeid. So voted. Motion to receive and file by Councillor Cameron, seconded by Councillor Connell.
Withdrawn. Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted.
- **ORDR015_04_10_17** Complete Streets Policy (PU)
- **ODNC003_04_10_17** Zoning Amendment - Hardship for Variances
- **ODNC004_04_10_17** Zoning Amendment - Zoning Administrator

Public Safety

In Committee:

- **ODNC015_08_29_16** 25 MPH Speed Zones
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Zeid. So voted.
Motion to approve by Councillor Cronin, seconded by Councillor Tontar. Roll call vote, 9 yes, 1 no (Connell), 1 absent (Giunta). Motion passed.
- **ORDR077_09_12_16** Parking Restricted on Daniel Lucy Way
- **COMM046_04_10_17** 60th Yankee Homecoming - 7/29-8/6
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Zeid. So voted.
Motion to approve by Councillor Cronin, seconded by Councillor Tontar. 9 yes, 1 no (Vogel), 1 absent (Giunta). Motion passed.
- **COMM048_04_24_17** Ltr from Merchants re: Downtown Events (N&CS)
- **COMM054_05_08_17** Ride to End Alzheimer's - 6/24/17
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Zeid. So voted.
Motion to approve by Councillor Cronin, seconded by Councillor Zeid. So voted.
- **COMM055_05_08_17** Lafayette Street Block Party - 7/29/17
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Tontar. So voted.
- **ORDR024_05_08_17** Parking Restricted Fair Street at Middle Street
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Zeid. So voted.
Motion to approve by Councillor Cronin, seconded by Councillor Zeid. So voted.

Public Utilities

In Committee:

- **COMM060_05_31_16** Mobilitie, LLC Highway Access Permit
- **ORDR015_04_10_17** Complete Streets Policy (P&D)
- **TRAN022_04_24_17** PI Utility Fund \$2,030,765 to PI Hydrant Replacement 1.9M, SEW Municipal Insurance \$130,765 (B&F)
- **TRAN025_05_08_17** Mult Acnts \$98K to LED Streetlight Conversion \$98K (B&F)

Rules Committee

In Committee:

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

16. GOOD OF THE ORDER

Councillor Tontar acknowledged the First Religious Society for their cleanup of Woodman Park and thanked them for their contribution to the City.

17. ADJOURNMENT

Motion to adjourn by Councillor Tontar, seconded by Councillor Zeid. So voted. 10:38pm.

TRANSFERS



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
JUN -6 PM 12:54

City of Newburyport

FY 2017

BUDGET TRANSFER REQUEST

Department: Department of Public Services

Submitted by: Anthony Furnari, DPS Director

Date Submitted: 6/12/2017

Transfer From:

| | | | |
|--------------------------|---|------------|------------------------|
| Account Name | <u>Sewer Retained Earnings</u> | YTD Bal: | <u>\$ 1,268,544.69</u> |
| Account Number: | <u>61-35920</u> | Trans In: | <u>\$ -</u> |
| Amount: | <u>\$675,000.00</u> | Trans Out: | <u>\$ 150,570.31</u> |
| Why are Funds Available: | <u>The Massachusetts Department of Revenue certified Retained Earnings for the Sewer Enterprise Fund for FY2017 at \$1,419,115. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.</u> | | |

Transfer From:

| | | | |
|--------------------------|------------------------------|------------|-------------|
| Account Name | <u>FY2018 Budget Reserve</u> | YTD Bal: | <u>\$ -</u> |
| Account Number: | <u>61-32801</u> | Trans In: | <u>\$ -</u> |
| Amount: | <u>\$675,000.00</u> | Trans Out: | <u>\$ -</u> |
| Why are Funds Available: | <u>See attached memo.</u> | | |

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

Donna D. Holaday
Ethan R. Manning

Date: 6/6/17
Date: 6/6/17



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR

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

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CITY CLERK'S OFFICE
NEWBURYPORT, MA

2017 JUN -6 PM 12:54

To: President and Members of the City Council
From: Mayor Donna D. Holaday
Date: June 6, 2017
Subject: FY2018 Sewer Rate Stabilization Transfer

The proposed FY2018 budget for the Sewer Enterprise Fund is an increase of \$676,064 over the FY2017 budget driven by new debt service resulting from the Hale/Graf Force Main Project (\$2.8 million authorized May 2015), Odor Control Improvements Project (\$5 million authorized February 2017) and Graf Road Pump Station Project (\$4 million authorized February 2017).

In light of the increasing debt service for FY2018, the Water and Sewer Commission recommends reserving \$675,000 in retained earnings for the purpose of stabilizing rates. This mitigates a \$79 increase in sewer costs for the typical Newburyport household, which I feel is a necessary step given the increased rates that users have experienced over the past several years due to the large scale renovations to both the water and wastewater treatment facilities.

The current balance of Sewer Enterprise Fund retained earnings is \$1,268,545. With the approval of this appropriation, a balance of \$593,545 would remain. We anticipate closing the year with a surplus of funds based on current revenue and expense projections.

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



City of Newburyport

FY 2017

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

JUN -6 PM 12:54

Department: Department of Public Services

Submitted by: Anthony Furnari, DPS Director

Date Submitted: 6/12/2017

Transfer From:

| | | | |
|--------------------------|---|------------|-----------------|
| Account Name | Water Retained Earnings | YTD Bal: | \$ 1,673,467.05 |
| Account Number: | 60-35920 | Trans In: | \$ - |
| Amount: | \$300,000.00 | Trans Out: | \$ 296,724.95 |
| Why are Funds Available: | <i>The Massachusetts Department of Revenue certified Retained Earnings for the Water Enterprise Fund for FY2017 at \$1,970,192. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.</i> | | |

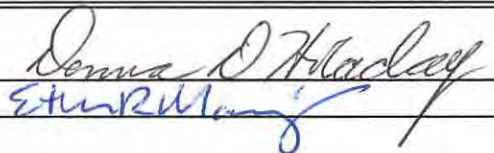
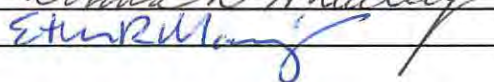
Transfer To:

| | | | |
|-------------------------|------------------------------|------------|---------------|
| Account Name | Meter Replacement Project | YTD Bal: | \$ 283,812.00 |
| Account Number: | 3409-49700 | Trans In: | \$ - |
| Amount: | \$100,000.00 | Trans Out: | \$ - |
| Why are Funds Required: | <i>See explanatory memo.</i> | | |

Transfer To:

| | | | |
|-------------------------|--------------------------------|------------|---------------|
| Account Name | Water Main Replacement Project | YTD Bal: | \$ 160,162.24 |
| Account Number: | 3204-49700 | Trans In: | \$ - |
| Amount: | \$200,000.00 | Trans Out: | \$ - |
| Why are Funds Required: | <i>See explanatory memo.</i> | | |

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

Date: 6/10/17

Date: 6/10/17



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4413 • (978) 465-4402 (FAX)
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RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2017 JUN -6 PM 12:55

To: President and Members of the City Council
From: Mayor Donna D. Holaday
Date: June 6, 2017
Subject: FY2017 Water Capital Transfer Requests

The following requests were submitted in the FY2017 Capital Improvement Program for the Water Enterprise Fund. These capital needs were reviewed by the Water and Sewer Commission and are recommended for funding from Water Enterprise Fund retained earnings.

1. **Meter Replacement Program**: The city conducted a system-wide meter replacement program in 2008 at a cost of over one million dollars. Given that the meters have a life expectancy of 12-15 years; it is recommended that \$100,000 be funded each year from both the Water and Sewer Enterprise Funds until 2023.

The last transfer into the Meter Replacement Program was made in July 2014 and the current balance of that account is \$283,812. At this time, the Water and Sewer Commission recommends a transfer of \$100,000 from the Water Enterprise Fund retained earnings.

2. **Water Main Replacement**: Annual funding is needed to execute scheduled improvements to the City's aging water distribution infrastructure. In an effort to minimize the impact on the operating budget, funds have been designated each year into this capital account.

The last transfer to the Water Main Replacement account was made in July 2014 and the current balance of that account is \$160,162. At this time, the Water and Sewer Commission recommends a transfer of \$200,000 from the Water Enterprise Fund retained earnings.

At the end of FY2017 the Department of Revenue certified a healthy retained earnings balance for the Water Enterprise Fund of \$1,970,192. Although several transfer requests have been approved during FY2017, the attached transfer requests of \$300,000 would leave a balance of \$1,373,467.

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

COMMUNICATIONS



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY

60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4413 • (978) 465-4402 (FAX)
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NEWBURYPORT, MA
2017 JUN 7 AM 8:34

Donna D. Holaday

To: President and Members of the City Council
From: Mayor Donna D. Holaday
Date: June 6, 2017
Subject: Air Quality Analysis of Intermodal Facility

There has been concern raised regarding the air quality impact of the proposed intermodal facility. As such, the City has engaged the services of Epsilon Associates to perform an analysis of air quality impacts in the vicinity of the proposed facility due to vehicular traffic and idling.

Attached is the proposal from the engineering firm, including an overview of the scope of work. The estimated fee for the analysis is \$5,300 to be paid from the Paid Parking Revolving Fund.

We will release the findings of the report as soon as they become available.

Thank you.



May 23, 2017

PRINCIPALS

Theodore A Barten, PE
Margaret B Briggs
Michael E Guski, CCM
Dale T Raczynski, PE
Cindy Schlessinger
Lester B Smith, Jr

Robert D O'Neal, CCM, INCE
Andrew D Magee
Michael D Howard, PWS
Douglas J Kelleher
AJ Jablonowski, PE
Stephen H Slocomb, PE
David E Hewett, LEED AP
Dwight R Dunk, LPD
David C. Klinch, PWS, PMP

Samuel G. Mygatt, LLB
1943-2010

ASSOCIATES

Richard M. Lampeter, INCE
Maria B. Hartnett
Geoffrey Starsiak

3 Mill & Main Place, Suite 250
Maynard, MA 01754
www.epsilonassociates.com

978 897 7100
FAX 978 897 0099

City of Newburyport
Office of Planning and Development
60 Pleasant Street
Newburyport, MA 01950
Attn.: Planning Director Andy Port

Subject: Air Quality Analysis of Newburyport Parking Garage

Dear Mr. Port:

Epsilon Associates, Inc. (Epsilon) is pleased to provide the Town of Newburyport this proposal for air quality consulting services for a proposed new 207-space parking garage located at Merrimac and Titcomb Streets in Newburyport, Massachusetts.

Epsilon is a privately held 45-person engineering and environmental consulting firm based in Maynard, MA. Environmental analysis, modeling, licensing, permitting and compliance work for industrial and power facilities are a major component of our practice. Air quality studies and analysis of impacts from both stationary and mobile sources are one of our specialty services. We have a staff of nine air quality professionals, including chemical and environmental engineers, air quality meteorologists and scientists, and a staff of four noise specialists.

Understanding of the Project

The Merrimack Valley Regional Transit Authority (MVRTA) is proposing to erect an intermodal parking facility in downtown Newburyport, Massachusetts. The facility will consist of 207-space parking garage for general public use. Current plans show that the garage will consist of a lower level, accessed only via Merrimac Street, and three additional levels accessed via Titcomb Street. The facility will also consist of a dedicated turn-out for regional bus parking at curbside.

The town is requesting analysis of air quality impacts in the vicinity due to traffic and idling within the new garage.

Scope of Work

Epsilon proposes to complete the following tasks. Further requests to clarify any assumptions or input data may be made as the tasks progress.

1. Emissions Quantification

Vehicular emission rates will be estimated for the year 2023 using the EPA's MOVES model. MOVES uses the most recent advances in vehicular emissions estimation techniques in addition to specified local data inputs to provide a reasonable estimate of project related emissions from vehicles in a given location for a given time period.

Analysis of the year 2023 corresponds with the "build" year in the transportation analysis.¹ This analysis includes potential future growth that may occur which is not associated with the completion of the project.

Epsilon will obtain county specific inputs for use in the analysis from MassDEP. These inputs include vehicle fleet mixes, vehicle age distributions, inspection and maintenance programs, and locally specific fuel information.

2. Air Quality Impact Analysis

Epsilon will perform air quality dispersion modeling of the four garage levels using the EPA's AERMOD dispersion model. AERMOD uses the latest regulatory modeling science in its algorithms and provides a conservative estimate of pollutant concentrations from multiple sources.

Epsilon will use the transportation analysis report for peak hour vehicle entry/exit counts. These counts will determine the vehicle emissions for the entire garage for the three peak hour periods (Weekday AM/Weekday PM/Saturday). Traffic outside of the garage (including regional bus idling) will not be included.

Using the results of the MOVES modeling, Epsilon will estimate emissions from each garage level, for each peak hour. The peak hour emissions will be input into the AERMOD model, and factored for non-peak periods. This will allow the model

¹ Traffic Impact and Access Study - MVRTA Intermodal Parking Facility -Newburyport, Massachusetts prepared for Desman Associates by TetraTech (November 2016)

to output longer-term (>1 hour) concentration estimates to compare to the applicable hour standards.

Locations where the model will predict pollutant concentrations are called "receptors". Receptors will be located within 1 mile of the garage, at a reasonable spacing to capture the highest concentration estimates. Additionally, receptors will be placed at various nearby locations to assess any specific impacts to local businesses, residents, or the general public.

The model will be run using the most recent five years of meteorological data from Boston's Logan Airport. The model will also incorporate any terrain effects within the modeling domain.

All modeling will be performed in accordance with Appendix W to 40 CFR 51 (aka, "The Guideline on Air Quality Models"), subsequent Federal applicable modeling guidance, and current MassDEP modeling guidance.

The emissions from vehicles within the garage will be the sole sources included in the modeling.

3. Local Traffic Impact Qualitative Analysis

Epsilon will conduct a *qualitative* analysis of air quality impacts from local traffic. We have prepared numerous analyses of carbon monoxide (CO) impacts from failing (LOS D or worse) intersections in Boston and other towns. Idling emissions from the MVRTA buses will also be addressed.

4. Memorandum/Report

A detailed memorandum describing the quantitative analysis impacts of the garage itself will be provided. This will include detailed description of the modeling procedure, inputs, assumptions, and results. Conclusions will be drawn from these results and conveyed in a manner suitable for public understanding.

The memorandum will also include the qualitative analysis of air quality impacts due to offsite traffic. This will consist of a short section in the memorandum addressing intersection impacts as well as regional bus idling.

Project Team, Schedule, and Cost Estimate

I will be the overall project manager and will be responsible for the project. I am a Certified Consulting Meteorologist with over 24 years of experience in air quality permitting, dispersion modeling, and investigative studies. Ms. Matthews is a junior air quality meteorologist with experience in air quality modeling and data analysis and will be working with me to complete the project. I will perform quality assurance on the analysis and report before the final package is delivered.

Epsilon proposes to begin this work immediately upon approval. The completed submittal package is expected to be completed within two weeks of receipt of all requested information.

The estimated costs of tasks are as follows:

| Task | Description | Cost |
|--------------|------------------------------|-------------------|
| 1 | Emissions Quantification | \$800 |
| 2 | Air Quality Analysis | \$2,600 |
| 3 | Qualitative Traffic Analysis | \$400 |
| 4 | Memorandum/Report | \$1,500 |
| Total | | \$5,300.00 |

The estimated cost of completing this project will not be exceeded without prior approval (written or electronic). This cost estimate is based on our current understanding as to the level of effort required described previously. Billings for professional services will be based on a time and materials basis in accordance with Epsilon's Standard Consulting Agreement, attached. This proposal, including Epsilon's rates and terms providing services, can be accepted by signing in the space provided below and returning one copy to Epsilon, or through issuance of a purchase order.

This cost estimate represents analysis of the initial design setup and a single revision. If modeling shows exceedances of the NAAQS, further revisions to either modeling assumptions or source data may be necessary and the cost estimate may be revised. Additionally, if changes are made to the project design after initial modeling has been completed, and further modeling must be performed, the cost estimate may be revised.

Mr. Andy Port
City of Newburyport
May 23, 2017

We appreciate the opportunity and look forward to working with you on this important project. Please call me at (978) 461-6233 if you have any questions on this proposal.

Sincerely,
EPSILON ASSOCIATES, INC.



Vincent R. Tino, CCM
Senior Consultant

Attachments:
Standard Consulting Agreement

Approved by:
Epsilon Associates, Inc.

Accepted by:
Town of Newburyport



Name
Principal

Title
5/23/17

Date

Name

Title

Date



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NEWBURYPORT, MA

CITY OF NEWBURYPORT

2017 JUN -6 PM 12:39

POLICE DEPARTMENT

MARK MURRAY
CITY MARSHAL

4 GREEN ST
NEWBURYPORT, MA
01950

TEL: 978-462-4411

FAX: 978-462-0396

To: President and Members of the City Council
From: Sergeant Gregory Whitney
Date: June 6, 2017
Re: Port Taxi Inspections

The five Port Taxi permits that were suspended have been inspected, and all are now in compliance with safety regulations and the Taxi Ordinance. The thirty day review period issued by the License and Permit committee will begin on June 6, 2017.



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2017 JUN -6 PM 1:43

Louis Rubinfeld
President

June 6, 2017

Lois Honegger
Vice President

Newburyport City Council
Attn: President Thomas O'Brien & Members
60 Pleasant St
Newburyport, MA 01950

Peter Kelly
Treasurer

Maureen Daley
Secretary

Board of Directors

Victor Atkins
Mary Anne Clancy
David E. Gompers
Elisabeth Mulcahy
Anne Easter Smith
Susan Thomas
Lisa Wetenkamp

Dear Mr. O'Brien and Members of the City Council,

I am hereby submitting this letter as a formal request to gain permissions to place two "movable signs" on the public property in front of the Firehouse Center for the Arts located in Market Square in downtown Newburyport. Specifically, these two signs would be attached to the two lampposts beside the street in front of the Firehouse. This location provides maximum visibility and minimal invasion of the walkway.

Staff

John Moynihan
Executive Director

Due to the May 2016 amendment to Chapter 12, Section 1.5, to prohibit A-frame signs beyond the direct entrance of the building, we have found our visibility to tourists has been diminished and in turn our ticket sales affected.

Laurie Contrino
Marketing Manager

The Firehouse Center for the Arts is a cultural centerpiece of Greater Newburyport and we hope to maintain this standing within our community by continuing to attract an increased number of patrons from both Newburyport and surrounding areas.

Colleen Cullen
Development Manager

Evelyn Kovach
House Manager

Nancy Ogasapian
Box Office Manager

Lisa Esposito
Gallery Director

Sincerely,

John Moynihan
Executive Director



The Exchange Club of Greater Newburyport

P.O. Box 31, Newburyport, MA 01950

2017 JUN -5 AM 6: 56

President-joe Murphy, Secretary-Stuart Deane, Treasurer-Ben Iacono, President Elect-Joe Murphy

May 30, 2017

Richard B. Jones
City Clerk
Newburyport City Hall

Dear Mr. Jones,

On behalf of the Exchange Club of Greater Newburyport I would like to request permission to set up a 10x10 foot tent in Market Square. The purpose of the tent will be to advertize the upcoming 8th Annual Field of Honor Program taking place at the Bartlett Mall on September 6-13th 2016. In addition visitors will have the opportunity to purchase a flag to be dedicated at a ceremony on Sunday September 11th.

The requested dates are as follows:

Saturday August ~~12th~~ 26th
Saturday August 19th

We expect to man the tent from 10 am – 3pm.

Respectfully,

Ben Iacono
Chairman, Field of Honor Flag Sales

APPLICATION FOR MOVABLE SIGNAGE ON PUBLIC PROPERTY

Application Fee \$100.00

Date: June 6, 2017

| | |
|------------------------------|-------|
| FOR CITY CLERK'S OFFICE ONLY | |
| Date Recorded | _____ |
| Amount Paid | _____ |

To the City Council of the City of Newburyport:

The undersigned requests that he/she may be granted permission to place one (1) movable sign on public property. This permission will only be effective for the listed location, and will be subject to all of the terms, conditions, and limitations set forth in the Newburyport Code of Ordinances, and any applicable State and Federal laws and any condition prescribed by the City Council and/or City Departments, including, but not limited to, those conditions appearing below.

Name of applicant Merrilee Steeves

Home address of applicant 9 Oakland Street

City, State, Zip of applicant Newburyport, MA 01950

Telephone of applicant 978-569-3093 (mobile)

Name of business Harbour Creamery

Address of business 39 Pleasant Street

Telephone of business 978-255-2440

RECEIVED
 CITY CLERK'S OFFICE
 NEWBURYPORT, MA
 2017 JUN -6 AM 11:51

Description of the location and movable sign to placed on the Public Way.

Top of Inn street at Pleasant street.
please see attached letter of application.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

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

Signature of Applicant or Duly Authorized Agent Merrilee Steeves Date June 6, 2017



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
6/5/2017

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

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

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

COVERAGES **CERTIFICATE NUMBER:** Master 17-18 **REVISION NUMBER:**

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

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

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
The City of Newburyport is additional insured for General Liability if required by written contract for A-Frame sign for Harbor Creamery.

| | |
|---|---|
| CERTIFICATE HOLDER City of Newburyport 60 Pleasant Street Newburyport, MA 01950 | CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. |
| | AUTHORIZED REPRESENTATIVE John Koegel/SMORRI |

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June 6, 2017

To whom it may concern:

Please find enclosed my application for an A-frame sign for my new business, Harbor Creamery. We are located at 39 Pleasant Street, Newburyport.

I am requesting that permission be granted for us to place an A-frame sign at the top of Inn Street where it intersects with Pleasant Street. We would like to place our sign close to where there is currently a permitted A-frame for the shop Grand Trunk Wine & Cheese, which is a shop located a few doors past us, in the direction of the post office, at 53 Pleasant Street.

Our shop is located on the corner of Pleasant Street and Hales Court. There are currently A-frame signs for each of the shops on either side of us (Just Dogs and Pretty Poppy). We have been permitted for outdoor seating in front of our shop and feel that adding an A-frame to our front entrance might make the area too congested for both walking pedestrians, as well as those needing handicapped access.

If permission is granted, we feel our A-frame sign at the top of Inn Street would allow more convenient flow of pedestrian traffic as well as help to direct consumers toward the West end of Pleasant Street, which would help improve foot traffic to our business as well as all businesses located between the top of Inn Street and the corner of Pleasant and Green Streets.

It is our plan to use an A-frame that is tasteful in design and in keeping with the existing style of downtown Newburyport.

Thank you for your time and consideration regarding this application.

A handwritten signature in blue ink that reads 'Merri-Lee Steeves'. The signature is written in a cursive, flowing style.

Merri-Lee Steeves

Owner, Harbor Creamery LLC



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: 6/1/17

CONTACT INFORMATION

FIRST AND LAST NAME: Milissa Duncan

MAILING ADDRESS: 14 Dove St. Newburyport

PHONE NUMBER: 978-499-9736

E-MAIL ADDRESS: djdener@msn.com

BLOCK PARTY INFORMATION

BLOCK PARTY DATE: 8/5/17

DESIRED STREET CLOSING LOCATION: Dove St & intersection of Dove & monroe
 Please indicate cross streets when requesting the closing of street sections Dove & merrimac

STREET TO BE BARRICADED: Dove St - between monroe & merrimac

DESIRED STREET CLOSING TIME: 5-10
 Block Parties should run no later than 10:00 p.m.

2017 JUN 5 AM 9:36

RECEIVED
 CITY CLERK'S OFFICE
 NEWBURYPORT, MA

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:

yes

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 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 6/1/17

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.

[Signature]

[Signature] 6/1/17

[Signature]

[Signature]

City use only:

Approved _____ -Denied _____ Date _____



Commonwealth of Massachusetts

DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

Charles D. Baker, Governor ♦ Karyn E. Polito, Lieutenant Governor ♦ Chrystal Kornegay, Undersecretary

 RECEIVED
 CITY CLERK'S OFFICE
 NEWBURYPORT, MA

JUN -6 AM 9:54

May 31, 2017

 Ms. Tracy M. Watson
 Executive Director
 Newburyport Housing Authority
 25 Temple Street
 Newburyport, MA 01950

Dear Ms. Watson:

I am pleased to inform you that Mary Karabatsos has been appointed to the state seat on the Newburyport Housing Authority's Board for the term of office which will expire September 3, 2021.

Please join me in wishing Ms. Karabatsos success with her endeavors on the board.

Sincerely,

 Chrystal Kornegay
 Undersecretary

 RECEIVED
 JUN 06 2017
 NEWBURYPORT HOUSING
 AUTHORITY

**APPOINTMENTS
FIRST READING**



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2017 JUN -6 AM 11:50

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

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: June 6, 2017

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Affordable Housing Trust. This term will expire on May 1, 2018.

Madeline Nash
19 Arlington Street
Newburyport, MA 01950



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2017 JUN -6 AM 11:50

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: March 24, 2014
Subject: Re-Appointment

Donna D. Holaday

I hereby re-appoint, subject to your approval, the following named individual as an alternate member of the Historical Commission. This term will expire on July 1, 2020.

William K. Todd
8 Foster Court
Newburyport, MA 01950



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

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

To: President and Members of the
City Council

From: Mayor Donna D. Holaday, Mayor

Date: June 6, 2017

Subject: Re-Appointment

A handwritten signature in cursive script, reading "Donna D. Holaday", written over the "From:" field.

I hereby re-appoint, subject to your approval, the following named individual as a member of the Newburyport Trust Fund Commission. This term will expire on July 1, 2020.

Richard A. Eaton
4 Horton Street
Newburyport, MA 01950



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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2017 JUN -6 AM 11:50

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

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: June 6, 2017
Subject: Re-appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Trust Fund Commission. This term will expire on July 1, 2020.

Richard J. O'Brien
41 Olive Street
Newburyport, MA 01950

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

COMMUNICATIONS

June 26, 2017

To: Newburyport City Council

“The Longest Day” is the Alzheimer’s Association’s awareness campaign held on June 21st. It’s global purpose is to raise funds and awareness for care and support while advancing research toward the first survivor of Alzheimer’s. We would like to request an opportunity to participate in our own way here in Newburyport.

What: Small table and a single quilt display with appropriate informative material from the Alzheimer’s Association for the purpose of awareness and fundraising. Tickets will be available to buy chances on the quilt.

Where: Market Square Newburyport / Bullnose

For: Alzheimer’s Association MA/NH Chapter
309 Waverley Oaks Road,
Waltham, MA 02452
Tax identification number - 042731194

Contact: Jessica Foley
Development Officer, Run-Tri to End Alzheimer's
Alzheimer's Association, MA/NH Chapter
309 Waverley Oaks Road, Waltham, MA 02452
Tel: 617.868.6718 / jfoley@alz.org

When: Wed. June 21, 2017 10 AM – 2 PM

Thank you

Dale Granger-Eckert
Dale Eckert

89 Lime Street
Newburyport, MA 01950
978-462-9979
dalesx2@comcast.net

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2017 MAY 30 AM 6:08

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2017 JUN -6 AM 11:00



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: ~~6/17/17~~ 5/24/17

CONTACT INFORMATION

FIRST AND LAST NAME: Lori McIntosh

MAILING ADDRESS: 10 Tyng Street

PHONE NUMBER: (414) 303-2341 - Cell -

E-MAIL ADDRESS: lorimcintosh2010@hotmail.com

BLOCK PARTY INFORMATION

BLOCK PARTY DATE: Friday, June 23rd

DESIRED STREET CLOSING LOCATION: Tyng St - lower block close

Please indicate cross streets when requesting the closing of street sections

STREET TO BE BARRICADED: Tyng Street

DESIRED STREET CLOSING TIME: ~~6:00pm~~ 5:30pm - 10pm

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

① Montreat Tyng
② Tyng + Merrimack

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.
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

Date

5/30/17

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.

City use only:

Approved _____

-Denied _____

Date _____

**APPOINTMENTS
SECOND READING**

SECOND READING APPOINTMENTS

Re-Appointments

- APPT035_05_30_17 Karen B. Wiener 7 Lincoln St Aff Housing Trust 6/1/18
- APPT036_05_30_17 Dan Bourdeau, PE 376 High St Conserv Comm 6/1/20
- APPT037_05_30_17 Douglas A. Muir 10 Hancock St Conserv Comm 5/1/20
- APPT038_05_30_17 Brian Brunault 83 Garden St Constable Civil Bus 7/1/21
- APPT039_05_30_17 Miller Graf 2 Rawson Hill Rd Council on Aging 5/31/22
- APPT040_05_30_17 Leslie Eckholdt 36 Warren St Fruit St Local 5/1/20
- APPT041_05_30_17 Karen Popken 49 Boardman St Parks Comm 5/1/18
- APPT042_05_30_17 Brendan J. Coffey, PE 7 Park St WaterSewer Comm 5/1/20
- APPT043_05_30_17 Edmund L. Kelley 24 Dorothy Lucey Dr WaterSewer Comm 5/1/20

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

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

June 12, 2017

ORDERED:

THAT, the city establish revolving funds for certain city departments under M.G.L. Chapter 44, §53E1/2 for the fiscal year beginning July 1, 2017, with the specific receipts credited to each fund, the purposes for which each fund may be spent and the maximum amount that may be spent from each fund for the fiscal year, as follows:

| Code | Revolving Fund | Authorized to Spend | Revenue Source | Use of Fund | FY18 Spending Limit |
|-------------|--------------------------------|------------------------------------|--|--|----------------------------|
| 2801 | Engineering Services | Director of Planning & Development | Charges to developers who have applications before the City in an amount equal to the cost of acquiring the professional service | Expenses associated with the engagement, by the City, of engineers, architects, and other professionals qualified to evaluate various aspects of development projects and to advise the City accordingly | \$90,000 |
| 2802 | Council on Aging | Director of Council on Aging | Program fees | Senior citizen programs | \$35,000 |
| 2803 | Recreational Services | Director of Youth Services | Program fees | Funds recreational services in the City including program supplies, materials and equipment, class instructor fees, fees for reservations and tickets related to trips and functions, and other costs related to the provisions of recreational services | \$370,000 |
| 2804 | Historical Commission | Director of Planning & Development | Application fees | Administration of the Historical Commission operations, including office supplies and technical assistance | \$2,500 |
| 2806 | Electrical Inspector | Building Commissioner | Electrical permit fees | Electrical Inspector's salary and related expenses | \$95,000 |
| 2807 | Plumbing Inspector | Building Commissioner | Plumbing permit fees | Plumbing Inspector's salary and related expenses | \$65,000 |
| 2808 | Gas Inspector | Building Commissioner | Gas permit fees | Gas Inspector's salary and related expenses | \$40,000 |
| 2809 | Disabilities Commission | ADA Coordinator | Handicapped parking fines | Assist the Commission on Disabilities in their efforts to advise, assist, research, coordinate, review and make policy recommendations, provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability; and to coordinate activities of other local groups organized for similar purposes | \$3,000 |
| 2810 | Emma Andrews Library | Director of Public Services | Income received from the rental of the apartment located on the second floor of the South End Branch Library, commonly known as the Emma Andrews Library | Expenses associated with building maintenance, repairs, renovations, upkeep and security | \$30,000 |
| 2811 | M-School Drop-in Center | Director of Youth Services | Fees and voluntary payments received from the general public, private corporations and charitable foundations | Expenses associated with the operation of the Drop-In Center, including staff salaries, equipment, materials, supplies and other costs related to the Drop-In Center programs and activities | \$45,000 |
| 2812 | Transient Vendors | Director of Public Health | License fees | Maintain City streets, ways, parks, walkways and other public areas throughout the City, as well as, City expenses associated with carrying out holiday celebrations, special activities and other public events | \$20,000 |

| <u>Code</u> | <u>Revolving Fund</u> | <u>Authorized to Spend</u> | <u>Revenue Source</u> | <u>Use of Fund</u> | <u>FY18 Spending Limit</u> |
|-------------|--|------------------------------------|--|---|----------------------------|
| 2813 | Planning & Zoning | Director of Planning & Development | Planning and zoning service and application fees | Planning and zoning related purposes including consultant's fees, legal expenses and other costs associated with project reviews and planning activities | \$70,000 |
| 2817 | Animal Control | Director of Public Health | Fees and charges associated with animal control and animal shelter activities | Offset City expenses associated with carrying out animal control and animal shelter operations | \$6,000 |
| 2818 | Tree Commission | Newburyport Tree Warden | Fines, voluntary payments, fees, charges, contributions, donations, grants, insurance settlements, and other payments received from private individuals, businesses, government entities, and persons or business making payment to the City for damage caused to trees located on City property | Plant, maintain, protect, and preserve public trees throughout the City in order to: contribute to the distinct character of the City; improve air quality; create habitats for wildlife, including various rare and protected species; reduce noise; provide privacy; protect soil from erosion; provide glare and heat protection; provide an aesthetic appeal that enhances property values; provides natural privacy to neighbors; and promotes civic pride and enjoyment | \$10,000 |
| 2835 | Medicare/Medicaid | Director of Public Health | Reimbursements charged to the state or federal Medicare/Medicaid programs | Maintain emergency planning programs and allow response to emergencies, as well as, offset City expenses associated with carrying out Health Department activities | \$25,000 |
| 2836 | Veterans Benefits | Director of Veteran's Services | Sale of grave markers, donations, gifts and grants received from the general public, government entities, private corporations, and charitable foundations | Expenses associated with goods and services benefiting veterans residing in the City and their families | \$2,000 |
| 2839 | Downtown Paid Parking | City Clerk/ Parking Clerk | Parking fees, violation fines and passes | Expenses include: a) all annual operational costs of the downtown paid parking program, including, without limitation, maintenance of the parking lots' asphalt and gravel surfacing, lighting, landscaping, and snow removal, equipment, supplies and signage, and parking enforcement officers; b) monthly payments to the Newburyport Redevelopment Authority in an amount equal to its meter revenue from said East and West Lots; c) contractual payments to the Newburyport Waterfront Trust; d) annual capital reserve allocations towards cyclical replacement of revenue collection machines and re-surfacing of the asphalt parking lots; e) not less than \$50,000 per year towards the general stewardship, care, maintenance, and improvement of the downtown's public infrastructure, including but not limited to, sidewalks, curbing, stairways, lighting, trees and landscaping and entities; and f) other capital projects and general fund transfers, as determined by the Mayor and the City Council, based on the program's net income after the aforementioned expenditures have been satisfied | \$750,000 |
| 2840 | City Hall Maintenance | Director of Public Services | Fees and charges paid to the City for the use and rental of City Hall facilities by outside groups, organizations and individuals | Expenses associated with City Hall maintenance, repairs, renovations, upkeep and security | \$5,000 |
| 2841 | Senior Community Center Maintenance | Director of Public Services | Fees and charges paid to the City for the use and rental of the Senior Community Center | Expenses associated with maintenance, repairs, renovations, upkeep and security at the Senior Community Center | \$15,000 |
| 2842 | Parks Maintenance | Parks Director | Fees and charges paid to the City for the use and rental of parks by outside groups, organizations and individuals | Expenses associated with parks maintenance, repairs, renovations, upkeep and security | \$15,000 |

Total Spending

\$1,693,500

Councillor Charles F. Tontar
Chair, Budget & Finance Committee



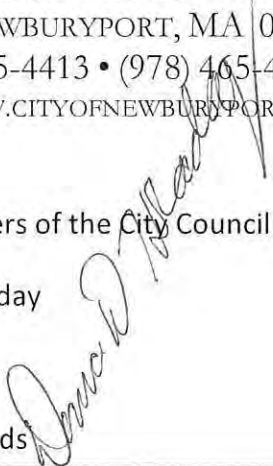
CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY

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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2017 JUN -6 PM 12:54

To: President and Members of the City Council
From: Mayor Donna D. Holaday
Date: June 5, 2017
Subject: FY2018 Revolving Funds



Attached are the updated balances for the City's departmental revolving funds that are authorized under G.L. Ch. 44, Sec. 53E1/2. For FY2018, I recommend keeping the spending limits at their current levels, with the exception of the Parks Maintenance Revolving Fund, which can be reduced from \$50,000 to \$15,000.

As you know, the Municipal Modernization Act made changes to the departmental revolving fund statute. These changes eliminated the caps on spending limits, previously 1% of the tax levy, and changed the approval from an annual legislative body vote to adoption by ordinance or by-law. The first amendment took effect November 7, 2016, however the procedural change for approving departmental revolving funds has been deferred to take effect in FY2019. The MA Department of Revenue is establishing model by-laws and ordinances to assist municipalities in implementing the change.

Thank you for your consideration.

**CITY OF NEWBURYPORT
REVOLVING FUNDS**

FY2017 YEAR-TO-DATE ACTIVITY
(AS OF MAY 31, 2017)

| <u>Account Name</u> | <u>Fund Code</u> | <u>Beginning Balance</u> | <u>YTD Revenue</u> | <u>YTD Expended</u> | <u>Transfers Out</u> | <u>Current Balance</u> | <u>FY17 Spending Limit</u> | <u>FY18 Spending Limit</u> | <u>Change</u> |
|------------------------------|------------------|--------------------------|--------------------|----------------------|----------------------|------------------------|----------------------------|----------------------------|-------------------|
| Engineering Services | 2801 | \$68,298 | \$61,517 | (\$63,325) | | \$66,490 | \$90,000 | \$90,000 | \$0 |
| Council on Aging | 2802 | \$39,046 | \$35,955 | (\$31,391) | | \$43,609 | \$35,000 | \$35,000 | \$0 |
| Recreational Services | 2803 | \$264,911 | \$302,452 | (\$321,216) | | \$246,147 | \$370,000 | \$370,000 | \$0 |
| Historical Commission | 2804 | \$10,022 | \$300 | (\$975) | | \$9,347 | \$2,500 | \$2,500 | \$0 |
| Electrical Inspector | 2806 | \$180,583 | \$101,591 | (\$65,963) | (\$160,000) | \$56,211 | \$95,000 | \$95,000 | \$0 |
| Plumbing Inspector | 2807 | \$25,410 | \$48,670 | (\$50,058) | | \$24,022 | \$65,000 | \$65,000 | \$0 |
| Gas Inspector | 2808 | \$16,108 | \$27,275 | (\$25,993) | | \$17,390 | \$40,000 | \$40,000 | \$0 |
| Disabilities Commission | 2809 | \$7,683 | \$4,065 | (\$261) | | \$11,487 | \$3,000 | \$3,000 | \$0 |
| Emma Andrews Library | 2810 | \$18,782 | \$15,000 | (\$5,738) | | \$28,044 | \$30,000 | \$30,000 | \$0 |
| M-School Drop-in Center | 2811 | \$36,426 | \$59,283 | (\$27,148) | | \$68,561 | \$45,000 | \$45,000 | \$0 |
| Transient Vendors | 2812 | \$43,817 | \$13,165 | (\$3,725) | (\$25,000) | \$28,257 | \$20,000 | \$20,000 | \$0 |
| Planning & Zoning | 2813 | \$21,623 | \$58,080 | (\$44,643) | | \$35,060 | \$70,000 | \$70,000 | \$0 |
| Animal Control | 2817 | \$12,456 | \$1,480 | (\$1,997) | | \$11,939 | \$6,000 | \$6,000 | \$0 |
| Tree Commission | 2818 | \$7,083 | \$7,330 | (\$6,061) | | \$8,352 | \$10,000 | \$10,000 | \$0 |
| Medicare/Medicaid | 2835 | \$28,055 | \$23,158 | (\$16,130) | | \$35,083 | \$25,000 | \$25,000 | \$0 |
| Veterans Services | 2836 | \$2,409 | \$90 | (\$500) | | \$1,999 | \$2,000 | \$2,000 | \$0 |
| Downtown Paid Parking | 2839 | \$602,440 | \$832,267 | (\$546,203) | (\$10,000) | \$878,504 | \$750,000 | \$750,000 | \$0 |
| City Hall Maintenance | 2840 | \$3,441 | \$1,988 | (\$1,995) | | \$3,433 | \$5,000 | \$5,000 | \$0 |
| Senior Comm. Ctr. Maint. | 2841 | \$1,722 | \$19,181 | (\$10,128) | | \$10,775 | \$15,000 | \$15,000 | \$0 |
| Parks Maint. | 2842 | \$0 | \$2,344 | (\$1,405) | | \$939 | \$50,000 | \$15,000 | (\$35,000) |
| Total Revolving Funds | | \$1,390,314 | \$1,615,190 | (\$1,224,856) | (\$195,000) | \$1,585,648 | \$1,728,500 | \$1,693,500 | (\$35,000) |

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 12, 2017

THAT, in accordance with Chapter 44, Section 20 of the General Laws, \$475,000.00 of the \$952,595.31 unexpended balance of funds borrowed to pay the costs of the Bresnahan Elementary School Project, which were no longer needed to complete such project and were appropriated by this Council to pay additional costs of the Nock/Molin School Project by an order of the Council passed April 10, 2017, shall be hereby appropriated for the paving of the parking lot at the Nock/Molin School including planning, design, landscaping, site preparation, lighting, and all other costs incidental or related thereto.

Councillor Charles F. Tontar
Chair, Budget & Finance Committee



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY

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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2017 JUN -6 PM 12: 54

To: President and Members of the City Council
From: Mayor Donna D. Holaday
Date: June 6, 2017
Subject: Nock/Molin Parking Lot Transfer

The enclosed order allows remaining funds from the school building projects to be utilized for paving and lighting improvements to the parking lot at the Nock/Molin School. The parking lot is in very poor condition and was identified as an urgent priority in the City's five-year capital improvement program. There have been several trips and falls in the parking lot, which is used by teachers, administrative staff, families, as well as, attendees to games at the fields and events at the recently renovated track.

The estimate for the project is \$475,000, including contingencies. Below is a breakdown of the scope of work, as provided by the Department of Public Services:

Parking Lot Paving

1. Reclaim and pave the heaviest traveled section of the larger parking lot.
2. Mill and overlay the remainder of the larger parking lot.
3. Mill and overlay the front smaller parking lot / school drop-off & pick-up driveway.
4. Reset curbing where needed.
5. Repair any failing structures in both lots.

Total estimate: \$400,000

Parking Lot Lighting

1. Install 650' of 1" PVC conduit.
2. Install nine foundations and parking lot lights (see attached schematic)
3. Install one hand hole on landscape median.
4. City to install the conduit.

Total estimate: \$75,000

As you may recall, this work was originally part of the renovation project at the Nock/Molin School, but was removed due to cost overruns in other areas of the budget. The enclosed order was prepared by bond counsel and references the earlier transfer vote, so that the proceeds could be followed back to the Bresnahan Bonds, rather than including unexpended proceeds of both the Nock/Molin Project Bonds and the Bresnahan transfer. Bond counsel feels it is advisable to draft the order as such so that we spend the Bresnahan excess proceeds first and then the remaining balance in the Nock/Molin project.

The total remaining balance from both projects is \$983,857. If \$475,000 is transferred as proposed, \$508,857 will remain for future project(s).

Thank you for your consideration.



- MVFC Boundary
- Trees
- ⊕ Immediate Action Needed
- ⊖ No Action Needed
- ⊙ Unknown
- ▭ Parcels
- Hydrographic Features
- Streams
- Stream
- Intermittent Stream
- Wetlands
- City
- City and State
- Stain

MIDDLE SCHOOL - PROPOSED STREET LIGHTING

Proposed Street Lighting
 9 Poles
 9 Foundations
 1 Handhole
 650' of 1" Conduit
 1000' of Wire

9 POLES TOTAL
 9 FOUNDATIONS
 1 HANDHOLE
 650' OF 1" CONDUIT
 1000' OF WIRE

NEW YORK STATE



CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 12, 2017

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

Street: Plummer Ave

Intersection: Northeasterly drivers at the intersection of Merrimac Street

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

Councillor Charles F. Tontar

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 30, 2017

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:

Market Street

One (1) space at 40 Market Street through June 30, 2019.

Councillor Robert J. Cronin

CITY OF NEWBURYPORT

ORDR035_06_12_17



IN CITY COUNCIL

ORDERED:

June 12, 2017

THAT the General Fund budget for the City of Newburyport for **Fiscal Year 2018** (July 1, 2017 through June 30, 2018) be approved in the amount of \$ _____, and \$ _____ of this amount is established as a School Department Budget for Fiscal Year 2018.

The following Enterprise Fund budgets for Fiscal Year 2018 are also approved as follows:

Water Enterprise Fund \$ _____

Sewer Enterprise Fund \$ _____

Harbormaster Enterprise Fund \$ _____

The above approved budget represents the budget submitted by Mayor Holaday on May 8, 2017 as amended.

President Thomas F. O'Brien

Councillor Edward C. Cameron

Councillor Barry N. Connell

Councillor Robert J. Cronin

Councillor Jared J. Eigerman

Councillor Larry G. Giunta

Councillor Joseph Devlin

Councillor Gregory D. Earls

Councillor Sharif Zeid

Councillor Charles F. Tontar

Councillor Bruce L. Vogel

Approve: _____
Donna D. Holaday, Mayor

Attest: _____
Richard B. Jones, City Clerk

Date: _____

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 12, 2017

A RESOLUTION DECLARING TO JUNE 2017 BEING PRIDE MONTH

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

Whereas, the City of Newburyport recognizes diversity and welcomes people of all races, genders and sexual orientations to our City and

Whereas, the City of Newburyport further recognizes that freedom from discrimination is an inalienable right of all residents and visitors and

Whereas, the month of June traditionally celebrates the diversity of all sexual orientations and

Whereas, whether residents or visitors, Lesbian, Gay, Bisexual and Transgender (LGBT) have contributed greatly to the success of the City of Newburyport today as well as in our past and

Whereas, through public discussion and education including the exhaustive work of the City of Newburyport Human Rights Commission, equal and full recognition of Lesbian, Gay, Bisexual and Transgender (LGBT), their friends and families in the City of Newburyport is now a fundamental right recognized by all.

NOW, THEREFORE, BE IT RESOLVED, that:

June 2017 shall be recognized as **Pride Month in the City of Newburyport** and that the fundamental rights and the accomplishments of all people regardless of sexual orientation shall be recognized and celebrated.

Councillor Robert J. Cronin

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 12, 2017

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

Northern Drill Services
130 East Main Street
Northborough, MA 01532

Paperwork on file in the City Clerk's office.

Councillor Eigerman
Public Utilities Chairperson

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 12, 2017

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

Brennan Construction, Inc.
105 Mason Street
Salem, MA 01970

Paperwork on file in the City Clerk's office.

Councillor Eigerman
Public Utilities Chairperson

ORDINANCES

CITY OF NEWBURYPORT



IN CITY COUNCIL

Amendments proposed to Cmte. on Licenses & Permits, on June 23, July 9, 2016, – Amended by JHD 2/20/17 and 3/8/17 – Changes from committee 3/28/17 typed in by JJE 4/8/17 and 4/10/17 changes by JHD.

ORDERED:

AN ORDINANCE REGARDING TRANSIENT VENDORS, HAWKERS, AND PEDDLERS

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

- Chapter 9** Streets, Sidewalks and Other Public Places
- Article 7** Transient Vendors, Hawkers, and Peddlers
- Division 1** Transient Vendors

Sections 9-111 through 9-155 of the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended to read as follows, with deletions single-stricken through, and additions single-underlined:

Sec. 9-111. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Food Truck shall mean a walk-on, parked vehicle where food is cooked, prepared, and served in individual portions. A food truck licensed under this division shall be no larger than 30 feet by 8 feet.

Parked vehicle shall mean a vehicle that remains stationary for fifteen (15) minutes at a time. Vendors doing business in, from, or by means of any other vehicle, such as a hawker or peddler that sells frozen desserts from a vehicle stopped for up to fifteen (15) minutes at a time, shall be subject to division 2 (Hawkers and Peddlers).

Registered Party shall mean a party that no later than the last day of February has requested in writing from the city clerk notice of transient vendor license applications for that calendar year, and paid an annual notice processing fee of ten dollars (\$10).

Temporary or transient business shall mean any exhibition and sale of goods, food and non-alcoholic beverages, wares, or merchandise which-that is carried on in, from, or by means of any

parked vehicle, including food trucks, or tent, booth, or other temporary structure on the public way, or at any other real property owned or in the possession or control of the city, including, without limitation, all city parks and playgrounds.

Transient vendor shall mean any person, either principal or agent, who engages in a temporary or transient business in the commonwealth selling goods, including food and non-alcoholic beverages, wares, or merchandise.

Sec. 9-112. - License required.

It shall be unlawful for any transient vendor to sell, attempt to sell, or exhibit any food, beverage, goods, wares, or merchandise without first applying for and obtaining a license from the license commission.

In the event that such license would allow transient vending at real property (1) under the jurisdiction of the harbor commission, the parks commission, the water and sewer commission, or the trustees of the waterfront trust, or (2) on any portion of a public way, or at any other real property owned or otherwise under the jurisdiction of the city, that physically adjoins such real property, then the applicant shall be required to obtain sign-offs from the commission, agency or department with such jurisdiction prior to submitting the application to the city clerk as required hereunder.

Issuance of a license pursuant to this section 9-112 shall be in addition to any other requirement of this code, including, without limitation, any requirement to obtain a license or permit from the board of health and its health department under the auspices of its director or his or her designee, or from the parks commission for commercial activities in a city park or playground.

Sec. 9-113. - Granting license after notice and public hearing.

- (a) The license commission shall not issue more than ~~three (3)~~ ten (10) full-season transient vendor licenses, and an additional ~~three (3)~~ transient vendor licenses for Food Trucks, hereinafter "Food Truck Licenses", or their equivalent in cumulative duration, per year, citywide, subject to the locational and other restrictions numerical limits of Section 9-114. Where a license is to be reissued after its abandonment, surrender, or revocation, the license commission shall act upon an application within thirty (30) days after having received it. Otherwise, the license commission shall issue any approved licenses for a given year by March 31 for any license not issued to a Food Truck, and by December 31 of the preceding year, for a Food Truck License, in all cases based upon applications received no later than required under section 9-133, below.
- (b) In addition to ~~three (3)~~ ten (10) full-season transient vendor licenses, and ~~three (3)~~ Food Truck Licenses, or their equivalent in cumulative duration, available annually, the city council may grant special licenses to charitable and nonprofit organizations under such conditions as the city council may deem appropriate, subject to rules of the City Council.

- (c) The license commission shall not grant any license under this division without first holding a public hearing on the matter, for which notice shall be provided no later than ten (10) calendar days before the date of the public hearing, as follows:
- (1) All required notices shall contain the name of the applicant, the date, time and place of the public hearing, and the location and nature of the proposed business.
 - (2) The city clerk shall cause, at the applicant's sole expense, notice to be published in a newspaper of general circulation in Newburyport.
 - (3) The city clerk shall cause notice to be posted on the city's website.
 - (4) At its sole cost, the Applicant shall cause notice to be sent by first-class mail to the owners and tenants of all real property located within three hundred feet (300) feet of the location(s) of the proposed business, as they appear on the most recent applicable tax list, based on a list obtained from the Assessor's Office, within three (3) days of the publication of the notice, and shall provide proof to the License Commission in the form of a signed attestation by the applicant, copies of such mailings and the list of addresses from the Assessor's Office.
 - (5) The city clerk shall give notice by first-class mail to each Registered Party not already receiving notice under subsection (c)(4), above.

Sec. 9-114. - Restricted areas.

Approved transient vendors may operate only on Inn Street pursuant to license commission regulations. This provision does not apply to licensees holding a valid license on December 31, 2010 at the specific locations identified in the application approved by the license commission and subject to the other restrictions of this section 9-114 and license commission regulations. This ordinance shall supersede any other regulation promulgated by the Board of Health relative to geographic limitations on transient vendors.

- (a) No more than a total of ~~two~~ three (3) full-season licenses, or their equivalent in cumulative duration, at Inn Street, Inn Street Playground (Map 004-Lot 002), and Inn Street Mall (Map 004-Lot 030 [portion]) (the "Inn Street Licenses"), provided that no such license shall allow vending in, from, or by means of a parked vehicle or Food Truck, and at least one such licenses shall be granted to an applicant whose primary business is the sale of artisan products and wares, as further defined by the License Commission; and
- (b) No more than eight (8) full-season licenses, or their equivalent in cumulative duration, at locations outside of the Downtown Overlay District, established under section XXVIII of the zoning ordinance.
- (c) None of the three (3) Food Trucks Licenses authorized under section 9-113 shall be granted within the Downtown Overlay District, established under section XXVIII of the zoning ordinance.

(d) In no event shall the total number of full-season licenses, or their equivalent in cumulative duration, issued by the license commission exceed the citywide limit specified in this section 9-114.

Secs. 9-115—9-130. - Reserved.

Sec. 9-131. - Fees.

An applicant for a full season transient vendor's license in the restricted area as described in section 9-114 shall pay an annual license fee of six hundred dollars (\$600.00) for the season defined in subsection 9-135(d). A successful applicant for a full transient vendor's license, excluding a Food Truck License, in the restricted areas as described in section 9-114 shall pay an annual license fee of one-thousand (\$1,000) dollars for the season defined in subsection 9-135(d), which amount shall be prorated for partial seasons. A successful applicant for a Food Truck License shall pay an annual license fee of ~~Two One Thousand Five-Hundred (\$12,500.00)~~ Dollars for the year, as further defined in subsection 9-135(d). Such annual license fees shall be in addition to any application processing fee required under section 9-133. The city council need not require an annual license fee for special licenses to charitable or nonprofit organizations.

All fees and fines collected under this division shall be used for the maintenance, repair and/or replacement of sidewalks within the city of Newburyport.

Sec. 9-132. - Insurance.

No license shall be issued under this section division, whether by the license commission or the city council, unless the applicant furnishes proof to the city clerk of a public liability bond or insurance policy in an amount not less than two million dollars (\$2,000,000.00) for property damage and injuries, including injuries resulting in death, caused by the operation of the transient vendor business, which bond or policy shall name the city as additional insured. ~~In addition, no license shall be issued under this division, whether by the license commission or the city council, for transient vending in, from, or by means of a parked vehicle or a Food Truck unless the applicant furnishes proof to the city clerk of a general comprehensive liability policy in an amount not less than two million dollars (\$2,000,000.00) combined single limit coverage, issued by an insurer licensed to do business in the Commonwealth of Massachusetts and that names the city as an additional insured.~~

Sec. 9-133. - Application.

The application for a transient vendor license under this division shall contain all information necessary and relevant to determine whether a particular license may be issued. Such application shall be obtained from and shall be on a form prescribed by the city clerk's office. Applications for licenses to be issued for use between April 1 and December 31 must be received by the city clerk's office between the 45th and 15th day preceding the regularly scheduled March meeting of the License Commission of the year of intended use. Applications for Food Truck Licenses shall be filed between October 15 and November 15 of the preceding year of intended use. Where a

license becomes available during the period of issuance due to its abandonment, surrender, or revocation, the city clerk shall give notice of the availability of such license by publication in a newspaper of general circulation in Newburyport, posting on the city's website, and first-class mail to Registered Parties. An application to assume part or all of the unexpired term of such abandoned, surrendered, or revoked license, may be received at the city clerk's office at any time thereafter, and the license commission may conduct a public hearing on such application without awaiting other applications. All applications for a transient vendor license under this divisionSuch applications shall include, but not be limited to, the following:

- (1) An application processing fee in the amount of fifty (\$50) dollars, plus one dollar (\$1) for each Registered Party required to receive notice pursuant to subsection 9-113(c)(5), above.
- ~~(1)~~(2) Proof that the applicant has complied with all applicable Massachusetts general laws, including but not limited to M.G.L.A. c. 101, §§ 1—12A.
- ~~(2)~~(3) Proof of the identity and business address of the applicant, and any other proof of identification which any state or federal agency may require the city to obtain.
- ~~(3)~~(4) A brief description of the nature, character, and quality of the food, beverages, wares, goods, or merchandise to be sold or exhibited. Any transient vendor selling food and beverages must include a copy of the proposed menu of items to be served.
- ~~(4)~~(5) A description of the length of time during which it is proposed the business shall be conducted.
- ~~(5)~~(6) Days of the week and hours of operation.
- (7) The location(s) where the transient vending business is proposed to be conducted.
- ~~(6)~~(8) Any other factors information relating to the application or applicant which the license commission may deem relevant in determining whether approval of such license is consistent with the best interests of the city, and required by license commission regulations or city council rules, as the case may be.
- ~~(7)~~(9) The license commission shall act on completed applications within thirty (30) days of receipt of such applications by the city clerk's office. The license commission or the city council, as the case may be, shall approve a license application only upon a written finding that the license shall be in the best interest of the city and serve the public need, taking into account existing establishments serving the general public in the vicinity of the licensed location.

Sec. 9-134. - Renewals.

Application for renewal of a license issued under this section shall be received by the clerk's office between February first and the last day in February. Applications received after the last

~~day in February shall be processed as new applications. The license commission and the city council shall review each application for renewal to determine that in the same manner, and upon the same footing, as a new application:~~

- ~~(1) The applicant is in full compliance with the provisions of this chapter 9 and any license commission rules and regulations.~~
- ~~(2) The applicant has a currently effective insurance policy in the minimum amount provided for in subsection 9-132.~~
- ~~(3) The application has been completed in full, including submission of an annual license fee. If the license commission finds that the application meets the above requirements, the license commission shall issue a renewed permit.~~

Sec. 9-135. - General restrictions.

- (a) Tents, booths, and any other temporary structures in, from, or by means of which, business is conducted~~Vendor stands shall not exceed six (6) feet in length, four (4) feet in width, or eight (8) feet in height. The foregoing dimensional limitations shall not apply to parked vehicles, whose dimensions, other than Food Trucks, the licensing commission or the city council shall review and approve on a case-by-case basis, pursuant to any applicable regulations promulgated by the license commission,~~
- (b) ~~Vendor stands~~activity shall not impede access to the entrance of any adjacent building or driveway.
- (c) Vendors shall be licensed to engage in business only no earlier than 8:00 a.m. and no later than 9:00 p.m. on any licensed day, unless otherwise specifically agree to by the License Commission in its written decision based on the nature of the location(s) of service and any public input. Parked vehicles, tenants, booths, and any other temporary structures in, from, or by means of, which business is conducted, shall either be removed or secured in place no later than their licensed closing time each licensed day, and continuing until their licensed opening time on the next licensed day of operation.
- (d) All licenses, other than food truck licenses, granted under this section ~~division~~ shall be valid for ~~the~~ a period commencing no earlier than April first and terminating no later than the last day in December in the year in which the license is issued.
- (e) No vendor shall conduct business within twenty-five (25) feet of any handicapped parking space or access ramp
- (f) All trash or debris accumulating within twelve (12) feet of any vending stand location and resulting from the activity thereof shall be collected and removed by the vendor.
- (g) Vendors shall ensure that staff is actually present during all their licensed hours of operation.

- (h) Vendors shall post an accurate price list or menu for any food, beverage, goods, wares, or merchandise offered for sale.
- (i) In any calendar year, no vendor shall hold more than one (1) transient vendor license, exclusive of Food Truck Licenses, or its equivalent in cumulative duration, without regard to any special licenses granted to charitable and nonprofit organizations by the city council.

Sec. 9-136. - License display.

- (a) Transient vendor licenses issued under this section and M.G.L.A. c. 101, § 5, and pursuant to M.G.L.A. c. 101, § 3, shall be displayed at the site of the transient business during business hours of operation.
- (b) Licenses shall be used by the individual to whom they were granted and are not transferable to any other person or business.
- (c) Failure to display a license granted under this section shall result in the same penalty as if the licensee has no license.

Sec. 9-137. - Suspension or revocation of license.

- (a) Any license issued under this division may be suspended or ~~removed~~revoked by the License Commission, after notice and a public hearing, for any of the following reasons:
 - (1) Fraud or misrepresentation in the application for the license;
 - (2) Fraud or misrepresentation in the course of conducting the business of vending;
and/or
 - (3) Violation of any of the terms of the license;
 - (4) Violation of any of the terms of this division; and/or
 - (4)(5) Conducting the business of vending in such a manner as to create a public nuisance or constitute a danger to the public health, safety, or welfare.
- (b) Upon suspension or revocation, the city clerk shall deliver written notice to the licensee stating the action taken and the reasons supporting such action. The written notice shall be delivered to the licensee's place of business or mailed to the licensee's last known address.

Sec. 9-138. - Appeals.

~~Applicants~~Persons who are denied licenses under this section~~division~~, or licensees whose licenses have been suspended or revoked by the License Commission under this division, may appeal to the superior court for relief~~feity clerk may appeal by filing a written notice of appeal with the license commission~~. The appeal must be filed within ten (10) after receipt of the notice of denial, suspension, or revocation. ~~The license commission shall hear and determine the appeal and the decision of the commission shall be final.~~

Sec. 9-139. - Penalties.

Any person who violates any provision of this division shall be fined three hundred dollars (\$300.00). Each day, or portion of a day, that any violation is allowed to continue shall constitute a separate offense.

Sec s. 9-140—9-155. - Reserved.

Councillor Jared J. Eigerman

Councillor Joseph H. Devlin

In City Council May 30, 2017:

Motion to remove from License & Permit by Councillor Vogel, seconded by Councillor Connell. So voted. Motion to approve by Councillor Vogel, seconded by Councillor Connell. Roll call vote, 4 yes, 6 no (Connell, Devlin, Earls, Eigerman, Vogel, O'Brien), 1 absent (Giunta). Motion failed. Motion to amend section 9-113(b), to change "its rules" to "rules of the City Council", by Councillor Eigerman, seconded by Councillor Vogel. So voted. Motion to amend Section 9-113(c2), to add "at the applicant's sole expense", by Councillor Vogel, seconded by Councillor Devlin. 1 no (Zeid). Motion passed. Motion to amend section 9-114, to add "This ordinance shall supersede any other regulation promulgated by the Board of Health relative to geographic limitations on transient vendors", by Councillor Zeid, seconded by Councillor Earls. So voted. Motion to amend Section 9-114(a), to increase from two to three, by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to amend Section 9-114(a), to increase to four and no less than two, by Councillor Vogel, seconded by Councillor Cameron. Roll call vote, 5 yes, 5 no (Connell, Cronin, Eigerman, Zeid, O'Brien), 1 absent (Giunta). Motion failed. Motion to amend Section 9-131, to increase to \$1500, by Councillor Vogel, seconded by Councillor Devlin. Roll call vote, 8 yes, 2 no (Earls, Eigerman), 1 absent (Giunta). Motion passed. Motion to amend Section 9-132, to increase to \$2,000,000, by Councillor Vogel, seconded by Councillor Zeid. Roll call vote, 8 yes, 2 no (Eigerman, Vogel), 1 absent (Giunta).

Motion passed. Motion to amend Section 9-133(7), to add an “s” to “location”, by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to amend Section 9-135(b), to replace “stands” with “activity”, by Councillor Zeid, seconded by Councillor Tontar. So voted. Motion to approve, as amended, by Councillor Vogel, seconded by Councillor Eigerman. Roll call vote, 10 yes, 1 absent (Giunta). Motion passed.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

AN ORDINANCE TO AMEND REGULATED SPEED LIMITS

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

General ordinance:

Article IV, Division 7, section 13-186: Twenty-five mile per hour speed zones

Short Title: Twenty-five miles per hour

Purpose and intent

The Commonwealth of Massachusetts under Massachusetts General Law Chapter 90 Section 17A has ceded certain jurisdiction to the local authority to regulate twenty-five mile per hour speed zones in existing "Thickly Settled" zones as defined by Massachusetts General Law Chapter 90 section 1. The local authority in the City of Newburyport is defined as the City Council.

The public ways of the city have in many cases existed for centuries and are narrow, congested and lined with both residential and business structures that meet and exceed the definition of a "Thickly Settled" or "Business" zone. It is therefore in the interest of public safety to the motoring public as well as those residents and visitors that use our streets to bike, walk or otherwise recreate to establish a uniform twenty-five (25) mile per hour speed limit uniformly all streets that meet this criteria unless otherwise posted.

Definitions

- (a) "Thickly settled or business district", the territory contiguous to any way which is built up with structures devoted to business, or the territory

MOTION TO
RECALL
RC/SC PS

contiguous to any way where the dwelling houses are situated at such distances as will average less than two hundred feet between them for a distance of a quarter of a mile or over.

- (b) "Police officer" or "officer", any constable or other officer authorized to make arrest or serve process, provided he is in uniform or displays his badge of office.
- (c) "Way", any public highway, private way laid out under authority of statute, way dedicated to public use, or way under the control of park commissioners or body having like powers.
- (d) "Motor vehicles", all vehicles constructed and designed for propulsion by power other than muscular power including such vehicles when pulled or towed by another motor vehicle, except railroad and railway cars, vehicles operated by the system known as trolley motor or trackless trolley under chapter one hundred and sixty-three or section ten of chapter five hundred and forty-four of the acts of nineteen hundred and forty-seven, vehicles running only upon rails or tracks, vehicles used for other purposes than the transportation of property and incapable of being driven at a speed exceeding twelve miles per hour and which are used exclusively for the building, repair and maintenance of highways or designed especially for use elsewhere than on the travelled part of ways, wheelchairs owned and operated by invalids and vehicles which are operated or guided by a person on foot; provided, however, that the exception for trackless trolleys provided herein shall not apply to sections seventeen, twenty-one, twenty-four, twenty-four I, twenty-five and twenty-six. The definition of "Motor vehicles" shall not include motorized bicycles. In doubtful cases, the registrar may determine whether or not any particular vehicle is a motor vehicle as herein defined. If he determines that it should be so classified, he may require that it be registered under this chapter, but such determination shall not be admissible as evidence in any action at law arising out of the use or operation of such vehicle previous to such determination.

Acceptance

Pursuant to G.L., c. 4, s. 4. the City Council of the City of Newburyport hereby accepts the provisions of G.L., c. 90, s. 17C.

Limitations

- (a) No person shall operate a motor vehicle on a public way in the City of Newburyport that is Thickly Settled or a business district that is not posted with regulatory speed (speed limit) signs in excess of 25 Miles per hour.
- (b) Duly sworn Police Officers of the City of Newburyport or other Police Officers acting under authority of law shall be empowered to enforce this regulation on any public way meeting these requirements.
- (c) Police Officers shall notify the violator in a manner that is accepted by the Commonwealth of Massachusetts as proper notification.
- (d) Police Officers shall notify the violator in a manner that is accepted by the Commonwealth of Massachusetts as proper notification.
- (e) The City of Newburyport shall post this speed limit on all public ways entering the city which are under the jurisdiction of the city, or at a location as near to an entry point that is under jurisdiction of the city to alert motorists of the speed limit.

9-172 Enforcement

- (a) *The* City of Newburyport Police Department or Officers of other agencies acting under authority of law are the enforcement authority of this ordinance.
- (b) Police Officers shall notify the violator in a manner that is accepted by the Commonwealth of Massachusetts as proper notification.
- (c) Police Officers shall notify the violator in a manner that is accepted by the Commonwealth of Massachusetts as proper notification.
- (d) Police Officers, may in the alternative to issuing a Commonwealth of Massachusetts Uniform Traffic Citation, utilize a City of Newburyport Code of City Ordinance violation
- (e) Any person who violates any provision of this section shall be subject to a fine of up to \$100.00 when issued a Code of Ordinance violation.

Submitted

Councillor Robert J Cronin, Public Safety Chair

Councillor Sharif Zeid, Ward 1

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

JUNE 12, 2017

A ZONING ORDINANCE REGARDING PERMITTED USES IN THE I2 DISTRICT

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

Amend existing Section V-D Table of Use Regulations, as follows, with deletions ~~double-stricken through~~, and additions double-underlined:

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

Section V-D Table of Use Regulations

Amend the Table of Uses relating to the I-2 district as follows:

| Use | NUM | CON | R1 | R2 | R3 | B1 | B2 | B3 | I1 | I1B | I2 | M | WMD | WMU |
|--------------------------------|-----|-----|----|----|----|----------|----------|----------|----|----------|---------------------------|----|------|-------|
| Professional / Social Services | 416 | NP | NP | NP | NP | <u>P</u> | <u>P</u> | <u>P</u> | NP | NP | NP <u>P</u> | NP | P(b) | P(b) |
| Corporate Headquarters | 612 | NP | NP | NP | NP | NP | NP | NP | NP | <u>P</u> | NP <u>P</u> | NP | NP | SP(e) |

Councillor Charles F. Tontar



Mead, Talerman & Costa, LLC
Attorneys at Law

30 Green Street
Newburyport, MA 01950
Phone 978.463.7700
Fax 978.463.7747
www.mtclawyers.com

May 30, 2017

Via Email
Charlie Tontar
Ward 4 Councilor
City of Newburyport
60 Pleasant Street
Newburyport MA 01950

RE: Proposed Zoning Change / Assessor's Map 68 Lots 27 and 29 (aka the Mersen Property)

Dear Councilor Tontar;

Reference is made to the above captioned matter. In that connection, as you are aware, I represent the owners of the Mersen Property, Ganton LLC. ("Owners"). The Property is located in an I2 industrial district at 374 Merrimac Street. This Property is one of two location in the city which are zoned I2: the Mersen Property and the Towle Property. As you are aware, in or around 2007 the Towle Property was rezoned by adding an overlay district to allow greater use and more flexibility over reuse on the Towle site.

The Mersen Property was historically a manufacturing site - a vestige of the past. Increasingly, as you are well aware, manufacturing jobs and uses are either being relocated to other states or if the City is fortunate enough, in the industrial park. Fortunately, however, Mersen is still conducting some manufacturing on the Property. However, as time passes, the space occupied by that manufacturing is diminishing leaving unused and available space in the building. To that end, and similar to the reuse of the Towle site, but by no means as broad, the Owners are requesting that the City add two uses to the I2 District; 1. Corporate Headquarters (Use 612) and 2. Professional/Social Service/Office (Use 416). Permitting these uses are entirely consistent with the most recent changes to the I-1B district. Indeed, the very reason for the change to the I-1B was to encourage corporate headquarter type uses and provide greater flexibility to existing spaces making them more attractive for reuse and investment. Further, given that the other I2 district is the Towle site, the use is consistent with what exists and is permitted under the Overlay District.

The Property Owner is attempting to be sure it can offer office and corporate headquarter space as an option in its building and thereby provide another dimension to the manufacturing use which currently exists. The added flexibility will allow the Owners to attract tenants currently looking for larger space in the Newburyport area. The Property includes plenty of parking and the change of use will aid in the Owners desire to invest in the Property to allow it to continue to be a

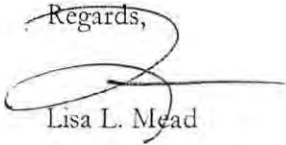
Millis Office

730 Main Street, Suite 1F
Millis, MA 02054
Phone 508.376.8400

vital asset to the Newburyport community as a place of employment as well as a key component of the commercial tax base. The addition of the two uses to the I2 will effect no other properties, but for the Mersen Property and the Towle Site as there are no other I2 districts in the City.

I have attached a proposed zoning change for your consideration. I appreciate your assistance and support in this matter. We look forward to the public hearing process.

Regards,

A handwritten signature in black ink, appearing to read "Lisa L. Mead", with a large, stylized flourish extending to the right.

Lisa L. Mead

cc: Client
Donna Holaday, Mayor

COMMITTEE ITEMS

June 12, 2017

BUDGET & FINANCE COMMITTEE ITEMS-

1. **TRAN018_04_10_17** - Mult Acnts \$300K to Nock/Molin Parking Lot Repairs and Repaving \$300K (w/ COW). (r&f)
2. **TRAN027_05_08_17** – fir Fuel/Oil Vehicles \$15K to Fir Maint – Vehicles \$15K.
3. **COMM051_05_08_17** – FY2018 Proposed Budget (w/ COW).
4. **TRAN029_05_30_17** - BDR Elections & Reg \$1 K to CLK Admin \$1 K.
5. **TRAN030_05_30_17** - Solid Waste Fee \$24,723.22 to Household Haz Waste \$12K, Sal Recycle Mgr \$12,723.22.
6. **TRAN031_05_30_17** - Lib Sal Staff\$10K to Lib Maint Equip \$10K.
7. **TRAN032_05_30_17** - Free Cash \$233,603 .67 to Snow & Ice Labor \$41,201.75, Snow & Ice Expenses \$192,401.92.
8. **TRAN033_05_30_17** - Free Cash \$25K to LGL City Solicitor \$25K.
9. **TRAN034_05_30_17** - Free Cash \$70K to Fire Overtime \$70K.
10. **COMM064_05_30_17** - City Clerk Contract - 3 year.
11. **ORDR027_05_30_17** – Loan Order – Intermodal Parking Facility Land Acquisition (w/COW).
12. **ORDR028_05_30_17** – Gift Acceptance – Sunscreen Dispenser.
13. **ORDR029_05_30_17** – Grant Acceptance – Tower Foundation.

TRAN018_04_10_17

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

Cost: \$300,000

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



City of Newburyport FY 2017 BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

bot

2017 MAY -2 PM 1:47

Department: Fire Department
Submitted by: Christopher LeClaire, Chief **Date Submitted:** 5/8/2017

Transfer From:

| | | | |
|--------------------------|--|------------|--------------|
| Account Name | FIR FUEL/OIL VEHICLES | YTD Bal: | \$ 24,080.82 |
| Account Number: | 01220004-54801 | Category: | \$ 45,263.33 |
| Amount: | \$15,000.00 | Trans I/O: | \$ - |
| Why are Funds Available: | <i>A surplus is anticipated in this line item at year-end.</i> | | |

Transfer To:

| | | | |
|-------------------------|--|------------|---------------|
| Account Name | FIR MAINT-VEHICLES | YTD Bal: | \$ (2,415.35) |
| Account Number: | 01220002-52403 | Category: | \$ 7,439.21 |
| Amount: | \$15,000.00 | Trans I/O: | \$ - |
| Why are Funds Required: | <i>Costly repairs are needed to engines 1 and 2 that are not covered by warranty. In addition, ladder 2 was taken out of service due to a piston failure, which needs repairing.</i> | | |

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

Donna D. Holaday

Ethan R. Manning

Date: 5/2/17
 Date: 5/2/17



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

*BoF
COTW*

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: May 2, 2017
Subject: FY2018 Proposed Budget

I am pleased to submit, forthwith, the City of Newburyport's Proposed Budget for fiscal year 2018. The proposed budget includes funds for the general operation and maintenance of the municipal government, education and debt service. Copies of the proposed budget will be made available to Councilors at your May 8, 2017 meeting.

We have made difficult but deliberative choices to ensure our City remains on solid financial ground and I feel that we have identified those spending needs that are most critical to delivering the necessary and desired services for our community. We have moved forward on long overdue infrastructure needs and are working diligently to address the growing list of streets and sidewalks in need of repair. We must also remain dedicated to rebuilding our school programs and this year's budget demonstrates my continued commitment to doing so. Although we are presenting a budget that allows us to maintain current level of programs and services, we must continue to be vigilant in efficiently managing these resources and maximizing benefits provided across the City.

The development of this comprehensive budget and capital plan was a team effort and I am very grateful to the Finance Team members: Julie Languirand, Treasurer, Jill Brennan, Assessor, and especially Patty Moore, former Chief Administrative Officer and Ethan Manning, Finance Director/Auditor. Mr. Manning deserves much credit and recognition for his leadership and diligence in preparing this FY2018 budget. We are proud to submit this budget to you for consideration and look forward to working with you over the coming weeks to finalize this process and begin FY2018.



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

City of Newburyport
FY 2017
BUDGET TRANSFER REQUEST

MAY 23 PM 12:03

Department: City Clerk

Submitted by: Richard B. Jones, City Clerk

Date Submitted: 5/30/2017

Transfer From:

| | | | | |
|--------------------------|--|------------|----|-----------------|
| Account Name | <u>BDR Elections & Registration</u> | YTD Bal: | \$ | <u>2,561.75</u> |
| Account Number: | <u>01163007-57808</u> | Category: | \$ | <u>2,561.75</u> |
| Amount: | <u>\$1,000.00</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 Administration</u> | YTD Bal: | \$ | <u>343.79</u> |
| Account Number: | <u>01161002-54200</u> | Category: | \$ | <u>1,932.19</u> |
| Amount: | <u>\$1,000.00</u> | Trans I/O: | \$ | <u>-</u> |
| Why are Funds Required: | <u>This line item is used to fund administrative-related expenses for the City Clerk's Office and City Council.</u> | | | |

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

Donna D. Holaday
Ethan R. Manning

Date: 5/23/17
Date: 5/23/17



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

City of Newburyport
FY 2017

BUDGET TRANSFER REQUEST

MAY 23 PM 12:03

Department: Sustainability

Submitted by: Molly Ettenborough

Date Submitted: 5/30/2017

Transfer From:

| | | | |
|---|--|------------|----------------------|
| Account Name | <u>Solid Waste Fee</u> | YTD Bal: | <u>\$ 314,063.84</u> |
| Account Number: | <u>2747-59600</u> | Trans In: | <u></u> |
| Amount: | <u>\$24,723.22</u> | Trans Out: | <u>\$ 40,000.00</u> |
| Why are Funds Available: | <u>Funded through compost sticker fees and recycling rebate.</u> | | |
| <u>This transfer is the standard method for moving funds from Reserve for Appropriations accounts into General Fund accounts.</u> | | | |

Transfer To:

| | | | |
|-------------------------|--|------------|-----------------------|
| Account Name | <u>Household Hazardous Waste</u> | YTD Bal: | <u>\$ (10,176.17)</u> |
| Account Number: | <u>01519001-53424</u> | Category: | <u>\$ 197,591.28</u> |
| Amount: | <u>\$12,000.00</u> | Trans I/O: | <u>\$ 20,000.00</u> |
| Why are Funds Required: | <u>To cover funding of hazardous waste account expenditures at the recycling center.</u> | | |

Transfer To:

| | | | |
|-------------------------|--|------------|----------------------|
| Account Name | <u>Salary Recycle/Energy Manager</u> | YTD Bal: | <u>\$ (4,660.12)</u> |
| Account Number: | <u>01519001-51160</u> | YTD Cat: | <u>\$ 4,698.12</u> |
| Amount: | <u>\$12,723.22</u> | Trans I/O: | <u>\$ -</u> |
| Why are Funds Required: | <u>To cover salary for Recycling/Energy Manager for remainder of FY2017.</u> | | |

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

Donna D. Holaday
Ethan R. Manning

Date: 5/23/17
Date: 5/23/17



City of Newburyport
FY 2017
BUDGET TRANSFER REQUEST

RECEIVED
 CITY CLERK'S OFFICE
 NEWBURYPORT, MA

MAY 23 PM 12:03

Department: Library

Submitted by: Cynthia Dadd, Director

Date Submitted: 5/30/2017

Transfer From:

| | | | |
|--------------------------|---|------------|----------------------|
| Account Name | <u>LIB SAL STAFF</u> | YTD Bal: | <u>\$ 137,851.37</u> |
| Account Number: | <u>01610001-51156</u> | Category: | <u>\$ 138,570.98</u> |
| Amount: | <u>\$10,000.00</u> | Trans I/O: | <u>\$ -</u> |
| Why are Funds Available: | <u>A surplus is anticipated in this line item at year-end due to vacant positions</u> | | |

Transfer To:

| | | | |
|-------------------------|--|------------|----------------------|
| Account Name | <u>LIB MAINT-EQUIPMENT</u> | YTD Bal: | <u>\$ (7,911.44)</u> |
| Account Number: | <u>01610002-52402</u> | Category: | <u>\$ 20,620.09</u> |
| Amount: | <u>\$10,000.00</u> | Trans I/O: | <u>\$ -</u> |
| Why are Funds Required: | <u>The Library's HVAC required additional maintenance and repairs this year, resulting in higher than anticipated expenses in this line item. The Library received two more HVAC bills for significant work to the chiller and a broken motor, totaling about \$9,000. With these, we will have had \$40,725 in repairs thus far this fiscal year.</u> | | |

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

Donna D. Holaday
Ethan R. Manning

Date: 5/23/17

Date: 5/23/17



City of Newburyport

FY 2017

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2017 MAY 23 PM 12: 03

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor **Date Submitted:** 5/30/2017

Transfer From:

| | | | |
|--|--------------------------|------------|-----------------|
| Account Name | General Fund - Free Cash | YTD Bal: | \$ 1,029,923.51 |
| Account Number: | 01-35910 | Trans In: | \$ - |
| Amount: | \$233,603.67 | Trans Out: | \$ 1,344,078.49 |
| Why are Funds Available: <u>The Massachusetts Department of Revenue certified Free Cash for</u> | | | |
| <u>FY2017 at \$2,374,002. These funds are available for any legal expenditure with the approval of the</u> | | | |
| <u>Mayor and a vote of the City Council.</u> | | | |

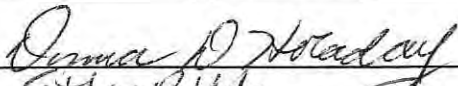
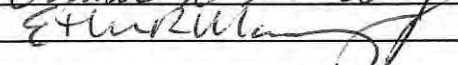
Transfer To:

| | | | |
|---|--------------------|------------|----------------|
| Account Name | Snow & Ice - Labor | YTD Bal: | \$ (41,201.75) |
| Account Number: | 01423001-51301 | Category: | \$ - |
| Amount: | \$41,201.75 | Trans I/O: | \$ - |
| Why are Funds Required: <u>Snow and ice expenses are variable depending on winter weather conditions.</u> | | | |
| <u>This account is used to pay the overtime for City employees during snow and ice events. State law allows</u> | | | |
| <u>communities to deficit spend in this category, however the deficit must be removed by fiscal year-end</u> | | | |
| <u>with available funds, or raise in FY2018.</u> | | | |

Transfer To:

| | | | |
|--|-----------------------|------------|-----------------|
| Account Name | Snow & Ice - Expenses | YTD Bal: | \$ (192,401.92) |
| Account Number: | 01423002-52901 | Category: | \$ - |
| Amount: | \$192,401.92 | Trans I/O: | \$ - |
| Why are Funds Required: <u>Snow and ice expenses are variable depending on winter weather conditions.</u> | | | |
| <u>This account is used to pay the cost of contractors hired to clear snow, equipment maintenance, as well as,</u> | | | |
| <u>materials such as salt and sand. State law allows communities to deficit spend in this category, however</u> | | | |
| <u>the deficit must be removed by fiscal year-end with available funds, or raise in FY2018.</u> | | | |

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

Date: 5/23/17
Date: 5/23/17



City of Newburyport
FY 2017
BUDGET TRANSFER REQUEST

RECEIVED
 CITY CLERK'S OFFICE
 NEWBURYPORT, MA

2017 MAY 23 PM 12:03

Department: Mayor's Office
Submitted by: Donna D. Holaday, Mayor **Date Submitted:** 5/30/2017

Transfer From:

| | | | |
|--------------------------|--|------------|------------------------|
| Account Name | <u>General Fund - Free Cash</u> | YTD Bal: | <u>\$ 1,029,923.51</u> |
| Account Number: | <u>01-35910</u> | Trans In: | <u>\$ -</u> |
| Amount: | <u>\$25,000.00</u> | Trans Out: | <u>\$ 1,344,078.49</u> |
| Why are Funds Available: | <u>The Massachusetts Department of Revenue certified Free Cash for</u> | | |
| | <u>FY2017 at \$2,374,002. These funds are available for any legal expenditure with the approval of the</u> | | |
| | <u>Mayor and a vote of the City Council.</u> | | |

Transfer To:

| | | | |
|-------------------------|--|------------|--------------------|
| Account Name | <u>LGL City Solicitor</u> | YTD Bal: | <u>\$ 2,700.92</u> |
| Account Number: | <u>01191002-53020</u> | Trans In: | <u>\$ -</u> |
| Amount: | <u>\$25,000.00</u> | Trans Out: | <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</u> | | |
| | <u>incurred during FY2017 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: 5/23/17
 Date: 5/23/17



City of Newburyport

FY 2017

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2017 MAY 23 PM 12:04

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor

Date Submitted: 5/30/2017

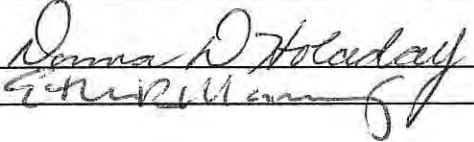
Transfer From:

| | | | |
|--------------------------|--|------------|-----------------|
| Account Name | General Fund - Free Cash | YTD Bal: | \$ 1,029,923.51 |
| Account Number: | 01-35910 | Trans In: | \$ - |
| Amount: | \$70,000.00 | Trans Out: | \$ 1,344,078.49 |
| Why are Funds Available: | <i>The Massachusetts Department of Revenue certified Free Cash for FY2017 at \$2,374,002. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council.</i> | | |

Transfer To:

| | | | |
|-------------------------|---|------------|----------------|
| Account Name | Fire Overtime | YTD Bal: | \$ (17,261.30) |
| Account Number: | 01220001-51301 | Category: | \$ 337,214.05 |
| Amount: | \$70,000.00 | Trans I/O: | \$ - |
| Why are Funds Required: | <i>The FY2017 appropriation for Fire Overtime was \$262,250. Overtime is used mostly to cover paid time off, including vacation, sick and personal time. An additional \$70,000 is needed to pay overtime costs through year-end.</i> | | |

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



Date: 5/23/17
Date: 5/23/17



City of Newburyport
Contract
Between
The City Council
And
Richard B. Jones, City Clerk

This Agreement is made the _____ day of _____, 2017 by and between the City Council (herein after City Council) and Richard B. Jones (herein after City Clerk).

The City Council and the City Clerk hereby agree that the following terms and conditions shall govern, subject to annual appropriation, the salary and fringe benefits to which Richard Jones shall be entitled as City Clerk for the City of Newburyport.

1. Term of Contract and Termination

A. Term of Contract and Probation Period

This agreement is for a term of three years commencing on April 15, 2017 and ending on April 15, 2020. Reappointment is subject to the majority vote of City Council. In the event the City Clerk is re-appointed for another three (3) year term, this contract can be extended and amended with terms that are agreeable to the City Council and the City Clerk. This contract is also subject to amendment in the event of any significant changes in job responsibilities or duties.

If the City Clerk decides to resign from the position at any time during the three (3) year contract, the City Clerk *shall* provide the City at least sixty (60) calendar days written notice of said resignation.

B. Disciplinary Action and Dismissal

The City Council reserve and retain the right to discharge, suspend, or otherwise discipline for just cause the employee covered by this agreement. The City Council shall provide the City Clerk with written notification of any contemplated discipline or dismissal for just cause.

C. Non-Reappointment

The City Clerk position is subject to appointment. In the event that the City Clerk is not to be reappointed, the City Council shall ordinarily notify the City Clerk, in writing, ninety (90) days in advance. Such notice shall be hand delivered to the City Clerk with signed confirmation by the City Council President. The City shall provide one (1) month severance pay to the City Clerk if the ninety (90) days advance written notice of non-appointment is not provided by the City Council to the City Clerk.

Subject to annual appropriation, for the next three next three Fiscal Years, at the beginning of the Fiscal Year, the City Clerk will receive a salary increase and a 2% Cost of Living Adjustment per the schedule below.

| Fiscal Year | City Clerk | Clerk of Council | Clerk Registrar | Registrar | Parking Clerk | Total |
|-------------|-------------|------------------|-----------------|-----------|---------------|--------------|
| FY 2018 | \$74,325.50 | \$4,329.73 | \$2,164.87 | \$541.21 | \$22,731.08 | \$104,092.38 |
| FY 2019 | \$75,812.01 | \$4,416.32 | \$2,208.17 | \$552.04 | \$23,185.70 | \$106,174.23 |
| FY 2020 | \$77,328.25 | \$4,504.65 | \$2,252.33 | \$563.08 | \$23,649.41 | \$108,297.72 |

5. Professional Development

Consistent with existing practice the City shall grant reasonable time off without loss of pay and without charge to any other leave to attend conferences, seminars, or professional meetings, which are directly related to improving the City Clerk's knowledge and skills in his particular position. A request for such time off shall be made to the City Council as soon as practical and shall outline the nature and extent of the proposed leave. Attendance at such conference on non-scheduled workdays shall not entitle the employee to any additional compensation or additional time off. The City may appropriate funds for tuition and related expenses for attending conferences.

The City will reimburse the City Clerk *for* the cost of attendance at seminars, conferences, and other meetings attended by employees, with prior approval of the Mayor. Mileage for travel shall be reimbursed at the current IRS rate.

6. Education

The City Clerk shall hold a bachelor's degree from an accredited institution. A law degree is preferred.

7. Longevity

The City Clerk hereby waives any claim to longevity payment.

8. Insurance

The City Clerk is eligible for all health insurance benefits in accordance with the agreement negotiated the City and the Public Employee Committee (PEC agreement) pursuant to MGL Chapter 32B, Section 19. The city will pay seventy-five percent (75%) of the premium for the first \$2000.00 worth of Life insurance and the employee will pay twenty-five (25%) of the cost for the first \$2000.00 worth of Life insurance. The difference between the \$2000.00 life insurance and the \$5000 life insurance will be paid 100% by the City.

9. Equipment

The City will provide the following equipment to support the Position Title in the fulfillment of their duties:

2. Hours of Work

The City Clerk is a salaried position requiring at least a 40 hour work week. The days worked include all week days and also weekends as part of the Clerk's responsibilities extend to managing the paid parking program and its enforcement officers. The total hours worked will be based on the fulfillment of the duties and responsibilities of the position with full understanding the total number of hours of work may vary from week to week. The City Clerk is expected to attend evening and weekend meetings and events.

3. Essential Functions

The City Clerk serves as the official keeper of the municipal records. The City Clerk assembles the agenda packets with supporting documents for the City Council Meetings. The City Clerk is also responsible for overseeing local, state, and federal elections, serving as keeper of financial records, serving as registrar of vital statistics, serving as a passport office manager, assuring the transparency of the municipality's conduct of business, and enforcement of Conflict of Interest policies.

The City Clerk manages four full-time employees (Assistant City Clerk, Administrative Assistant I, and Administrative Assistant II, Parking Enforcement Officer), 4 – 6 part-time Parking Enforcement Officers, and 40 election workers (event-related). The Clerk is also the records access officer ('RAO') for the City of Newburyport.

The City Clerk is also the Parking Clerk and therefore manages the Parking Department. The Parking Department includes the full-time parking enforcement officer and the part-time enforcement officers as well as the paid parking program. The paid parking program includes agreements to manage certain parking lots for the Newburyport Redevelopment Authority and the Waterfront Trust in addition to the City parking lots.

Additionally, the City Clerk manages the Passport Program which has two agents and one assistant.

The City Clerk shall perform his duties in accordance with all applicable local, state, and federal, regulations, laws, ordinances, and City Charter provisions.

4. Compensation

Subject to annual appropriation, the City Clerk currently receives \$95,509 annually. The budget for this salary comes from the following areas:

| City Clerk | Clerk of Council | Clerk Registrar | Registrar | Parking Clerk | Total |
|------------|------------------|-----------------|-----------|---------------|-------------|
| \$66,325.5 | \$4,244.8 | \$2,122.42 | \$530.60 | \$22,285.3 | \$95,508.72 |

| |
|-----------|
| Equipment |
|-----------|

| |
|------------|
| Cell Phone |
|------------|

10. Vacation, Personal, Bereavement, Sick, and Jury Duty

A. Vacation

The City Clerk will be entitled to six (6) weeks vacation, each Fiscal Year. Vacation for the fiscal year is provided on July 1 of that Fiscal Year. With the City Council President's permission, the City Clerk may carry over ten (10) days of unused vacation from one fiscal year to the next. Upon termination of employment, the City Clerk shall be paid for any unused vacation previously accrued. If termination is caused by death, such payment shall be made to the City Clerk's spouse or beneficiary.

B. Personal

The City Clerk shall be entitled to four (4) personal days per Fiscal Year. Unused personal days shall not be carried from year to year. Personal days are not cumulative form one Fiscal Year to the next and unused amounts are not eligible for buy-back upon retirement or termination of employment.

C. Bereavement Leave

The City Clerk shall be entitled to five (5) days of paid bereavement time, without loss of pay, vacation, or other leave. This time off will be granted upon the death of an immediate family member (spouse, parent, child, step-child, foster-child, brother, sister, mother and father in-law, grandmother, grandfather, spouse's mother father grandmother, grandfather). Should the death occur during the City Clerk's scheduled vacation or days off, then the five (5) days of bereavement leave will be substituted for said vacation or days off, and the vacation.

D. Sick Leave

The City Clerk has accumulated sick leave and will continue to accumulate 1.25 days of sick leave each month. Sick leave is cumulative and carried forward from one Fiscal Year to the next. Upon retirement, the City Clerk will be paid 50% of the number of unused sick days with a maximum of days paid not to exceed eighty-five (85) days. There will be no buy-back of sick leave if the employee resigns or is terminated.

E. Jury Duty

If the City Clerk is requested for Jury Duty, he shall be given the time off without the loss of pay.

11. Holidays

The City Clerk shall be entitled to twelve (12) paid holidays. These are:

| | |
|------------------------|-----------------|
| 1. New Year's Day, | 7. Labor Day |
| 2. Martin Day King Day | 8. Columbus Day |

| | |
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| 3. Washington's Birthday | 9. Veteran's Day |
| 4. Patriot's Day | 10. Thanksgiving Day |
| 5. Memorial Day | 11. Day after Thanksgiving |
| 6. Independence Day | 12. Christmas Day. |

The City Clerk shall receive one day's pay for each Holiday worked in association with his parking clerk responsibilities. Payment for these days worked will come from the paid parking program.

12. Other

Other information and guidance for the City Clerk *not* covered in this Agreement can be found in the Employee Handbook.

IN WITNESS WHEREOF, the parties hereunto have set their hands and seal to this instrument the date and year first above written.

City Council President
 Thomas F. O'Brien
 11 Moseley Ave.
 Newburyport, MA 01950

City Clerk
 Richard B. Jones
 283 High Street
 Newburyport, MA 01950

 Signature

 Signature

 Date

 Date

CITY OF NEWBURYPORT



IN CITY COUNCIL

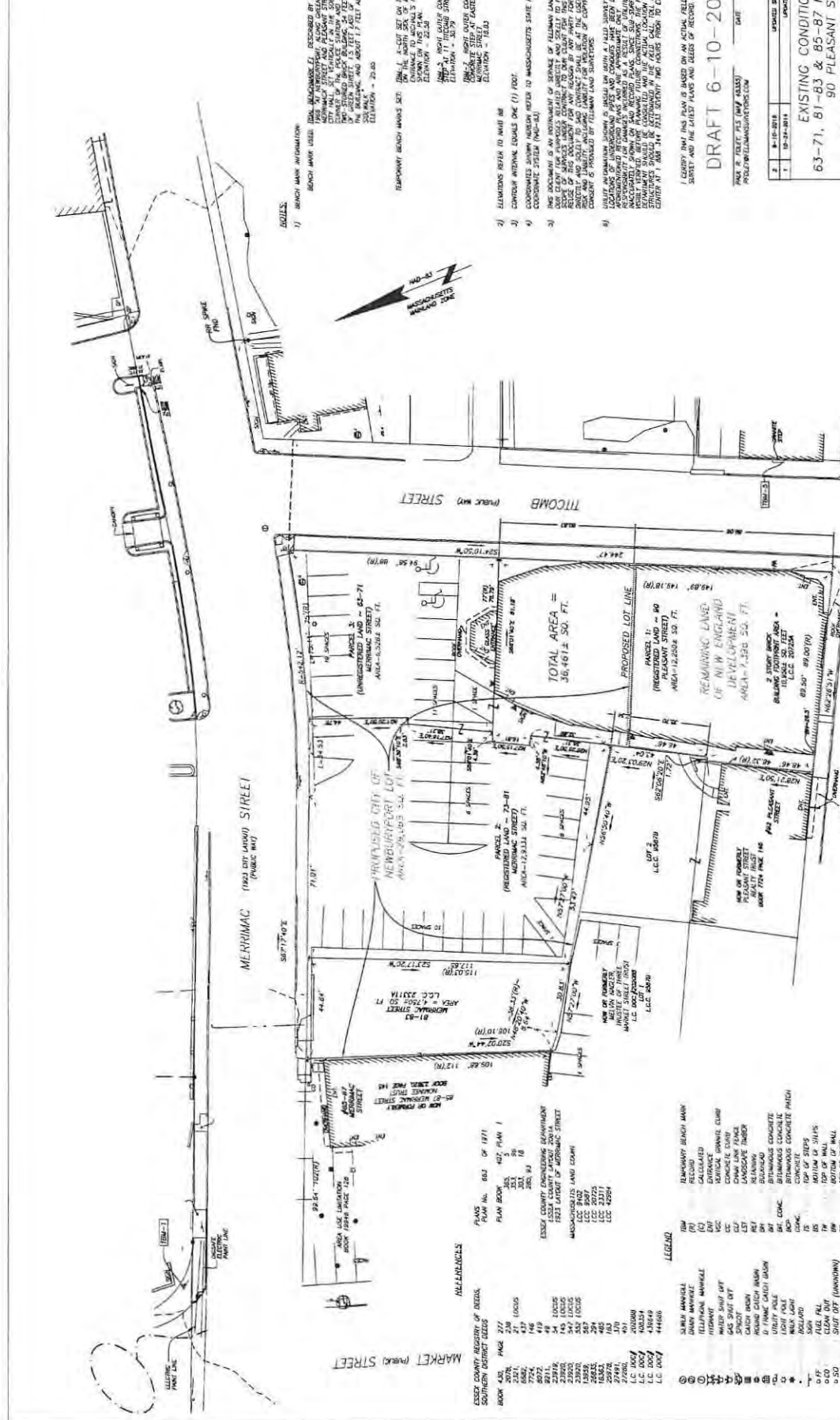
ORDERED:

May 30, 2017

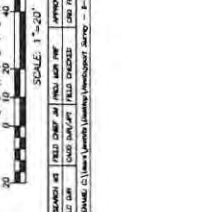
THAT, the City Council of the City of Newburyport hereby approve and authorize the purchase of a portion of that property located at 90 Pleasant Street and 83 Merrimac Street (as shown on the attached plan) for all purposes incidental to the construction and operation of a new Parking Garage (a.k.a. "Intermodal Transit and Parking Facility") or any other municipal purpose.

FURTHER ORDERED THAT, \$2,184,000 is appropriated to pay costs of purchasing a portion of that property located at 90 Pleasant Street and 83 Merrimac Street (as shown on the attached plan) for all purposes incidental to the construction and operation of a new Parking Garage (a.k.a. "Intermodal Transit and Parking Facility") or any other municipal purpose, including the payment of costs incidental or related thereto, and that to meet this appropriation, the Treasurer with the approval of the Mayor, is authorized to borrow \$2,184,000 under and pursuant to M.G.L. c.44, s.7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; that any premium received by the Town upon the sale of any bonds or notes approved by this order, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this order in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and that the Mayor and the Treasurer are authorized to take any other action necessary or convenient to carry out this Order.

Councillor Charles F. Tontar
Chair, Budget & Finance Committee



EXISTING CONDITIONS PLAN
63-71, 81-83 & 85-87 MERRIMAC STREET
90 PLEASANT STREET
NEWBURYPORT, MASS.
 FELDMAN LAND SURVEYORS
 NOVEMBER 30, 2011
 112 SHAWMUT AVENUE
 BOSTON, MASS 02118
 PHONE: (617) 267-9740
 www.feldmanland.com



| UNITS USED | |
|-----------------|--------------------------|
| FEET | 1' = 12" |
| INCHES | 1" = 0' 10" |
| FRACTIONS | 1/16, 1/8, 1/4, 1/2, 3/4 |
| SCALE: 1" = 20' | |

FIELDWORK

ESSEX COUNTY REGISTRY OF DEEDS
 SOUTHERN DISTRICT DEEDS

| BOOK | PAGE |
|------|------|
| 3076 | 278 |
| 3131 | 437 |
| 3176 | 448 |
| 3211 | 48 |
| 3296 | 174 |
| 3307 | 157 |
| 3393 | 507 |
| 3463 | 465 |
| 3528 | 79 |
| 3578 | 461 |
| 3600 | 433 |
| 3700 | 403 |
| 3800 | 438 |
| 3900 | 433 |
| 4000 | 438 |
| 4100 | 438 |
| 4200 | 438 |
| 4300 | 438 |
| 4400 | 438 |
| 4500 | 438 |

PLANS PAGE NO. OF DEEDS
 PLAN NO. 683 OF 1971
 PLAN BOOK 402 PLAN 1
 PLAN NO. 383 OF 18
 PLAN NO. 383 OF 18

ESSEX COUNTY REGISTERED BOUNDARY
 5334 COUNTY LOTS 2001A
 FIRST LAYOUT OF MERRIMAC STREET

MASSACHUSETTS LAND DEPARTMENT
 L.C.C. 2097
 L.C.C. 2097
 L.C.C. 2217
 L.C.C. 2217
 L.C.C. 4299A

LEGEND

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REVISIONS

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CITY OF NEWBURYPORT
OFFICE OF PLANNING AND DEVELOPMENT
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4400 • (978) 465-4452 (FAX)

MEMORANDUM

TO: **Honorable members of the City Council**

FROM: **Donna D. Holaday, Mayor** *DDH*
Andrew Port, Director of Planning & Development

CC: **Paul O'Brien, Chief Administrative Officer**
Ethan Manning, Finance Director
Geordie Vining, Senior Project Manager

RE: **Intermodal Transit & Parking Facility (Parking Garage) - Project Update**

DATE: **May 22nd, 2017**

As you know, we have been working with the Merrimack Valley Regional Transit Authority (MVRTA) on the design of an Intermodal Transit & Parking Facility in Downtown Newburyport, at the so-called Titcomb Street Site designated by the Council in 2010 – on land owned by New England Development (NED). This design (with 207 spaces) is based upon construction of the smaller “Scheme 1” facility, as specified by the Council during a review of alternatives in spring 2016.

Current Design Status

At this time the design team is finalizing 60% design development plans in preparation for 100% bid-ready plans and specifications to be issued to contractors this summer. Funding for this work was approved by the Council last spring. We are working with input from the Planning Board, Historical Commission and Impact Advisory Group to finalize the building façade detailing and off-site improvements associated with the project (*e.g. sidewalks, crosswalks, curb alignments and on-street parking space configurations*). This process should be complete by June 21, 2017 so that the design team can move expeditiously thereafter towards completion of the bid package.

Additional Documentation Attached

Submitted to the Council herewith are the following related documents outlining key aspects of the project with respect to funding, project management and land acquisition:

1. **Final Purchase & Sale (P&S) Agreement** with NED for purchase of the subject land; (P&S will be released as a public document once signed)
2. **Draft Intermunicipal Agreement (IMA)** between the City and MVRTA;
3. **Letter of Commitment from MassDOT** for \$5M in construction funds;
4. **Letter of Commitment from MVRTA** for \$1.5M in Federal funds (to be used for construction and oversight of Federal Transit Administration requirements); and

5. Updated Project Budget.

Intermodal Transit & Parking Facility (Parking Garage) – Project Update

May 22nd, 2017

Page 2 of 4

Traffic Studies

As you may recall, the design budget approved last year included funds for the completion of two traffic studies, Phase I and Phase II. Phase I (now completed) addresses potential impacts from traffic and new turning movements associated with the new Parking Garage. The Phase I study indicates that there will be limited impact to vehicular traffic on streets immediately abutting the proposed facility and that no major traffic improvements are necessary to accommodate the new facility. This is in large part because vehicles accessing the new parking garage are vehicles that would otherwise be traveling to downtown Newburyport, many of them already using this section of Merrimac Street. Furthermore, consolidating parking within the new parking garage will alleviate traffic congestion in Market Square because fewer vehicles will need to travel through Market Square to reach the NRA East Lot and other parking facilities. A copy of the Phase I Traffic Study can be viewed and downloaded on the City website at the following URL:

<http://www.cityofnewburyport.com/planning-development/files/traffic-impact-study>

The Phase II report (now underway) will address traffic patterns in the larger downtown in a “future build” scenario, wherein development at Waterfront West will be a new traffic generator (with new destination residences, retail and a hotel). In the Phase II report, the traffic consultant will be considering whether or not the inclusion of “future growth” (again with the Parking Garage) should result in altered traffic patterns (for example, changing Green Street to a two-way street). We have asked the traffic consultant to include the intersection of Merrimac Street and Route One in their analysis. While MassDOT has begun initial planning and study relative to this intersection, there is no funding at this time for either design or construction of the associated improvements (as yet to be determined).

Please note that NED has proposed to complete a traffic analysis and full design for signalization of the Merrimac Street and Route One intersection as mitigation for its proposed development in Waterfront West. While NED has initially proposed design funding, The Planning Board and City Council will need to decide if this is sufficient (pending state funding for construction) or whether NED will be required to undertake and complete the specified traffic improvements as well. In either case, it is important to differentiate between the Phase I traffic study (which addresses impacts from the Parking Garage itself) and the Phase II traffic study (which is primarily about addressing impacts from potential “future build” in Waterfront West). Between the City’s Phase II traffic study, and the Planning Board’s “Peer Review” of a Traffic Impact Study submitted by NED (with their recent proposal for Waterfront West) the City should develop a good understanding of how the Parking Garage and “future build” may impact future traffic patterns downtown.

Project Purposes & Facility Location

In light of recent discussion in the Daily News, it seems appropriate to once more clarify both the purpose of this project, and its established location at the “Titcomb Street Site.” The City Council already considered the following locations for the proposed Parking Garage and in 2010 and rejected all of them in favor of the Titcomb Street Site, for various reasons, including “potential impacts to vehicular traffic”:

- MBTA Station
- Green Street Parking Lot
- Waterfront West
- Liberty Street
- Prince Place

Furthermore, the primary purpose of this project is to reduce the “footprint” of parking on the central waterfront so that a larger park can be constructed. Without building this Parking Garage, which has been sought by the City for decades, removal of sufficient parking to accommodate a larger park is a significant problem.

Relationship to Parking Rates & Restrictions Downtown

We have already reached out to respected Parking Consultant John Burke to prepare an updated parking study for downtown Newburyport with recommendations regarding rates & restrictions for both on and off-street spaces. This study will include consideration for changes that should be made due to the construction of the City’s new Parking Garage. Mr. Burke’s analysis and recommendations will be discussed with the City Council in the coming months.

Purchase & Sale Agreement with NED

Attached is the final Purchase and Sale (P&S) Agreement with NED for acquisition of land necessary to construct the proposed Parking Garage. It is imperative that this P&S be executed as soon as possible. Our project schedule calls for demolition of NED’s so-called “Fitness Factory” building in just a few months’ time. Although two (2) out of the three (3) existing tenants have already begun their relocation to a building within the Newburyport Business & Industry Park, we are mobilizing our designated consultant Relocation Advisory Agency (RAA) to assist them in this process and determine which costs associated with their relocation efforts are eligible for payment (or reimbursement) by the City, in accordance with Federal and State laws. Please note that these costs have not yet been determined and are therefore reflected in the attached project budget with a placeholder of \$75,000. In the coming weeks we will be able to verify accurate and eligible relocation costs through our RAA.

Updated Appraisal

A few Councilors have asked for a copy of the updated appraisal indicating the fair market value of land being acquired from NED. This appraisal was last prepared in 2014, when it was not yet known what portion of the property the City would need to acquire. In recent weeks NED agreed to remove “recapture” clauses and other language within the P&S (related to Council authorization for project funding), which would have impacted the valuation (and thus the proposed purchase price) by limiting potential uses by the City after acquisition. Our appraisers are now finalizing their updated valuation. Based on our review of the “highest and best use” for this property (a mixed-use development with multi-family housing), and the passage of time since the original appraisal, we anticipate that the updated appraisal will reflect a higher valuation than the estimate from 2014. While the agreed upon purchase price with NED (established in 2014) is a better value for the City, once the finalized appraisal is received, we will obtain a letter from NED agreeing to sell this property to the City at this reduced price despite the higher present-day appraisal. This letter, signed with full knowledge of the higher appraised value, is necessary to meet FTA requirements relative to land acquisition for federally-funded projects – to ensure that a property owner is not shortchanged in terms of adequate compensation. FTA regulations also require the City to obtain a second “review appraisal” to confirm the valuation methods used by the first appraiser. In either case, the Mayor will not be signing the Purchase and Sale Agreement with NED unless the agreed upon purchase price is equal to or less than the 2014 valuation, upon which the original purchase price was based.

Forthcoming Bond Authorization Request (for Land Acquisition)

At the Council’s May 30th meeting we will be submitting a Bond Authorization request to the Council for consideration which will address (through downtown parking program revenues) the funding necessary to acquire land currently owned by NED. In order to keep this project on schedule we will be requesting that the Council approve this request at its June 12th meeting. Accordingly, we request that the Budget & Finance Committee arrange for a meeting between these dates to answer any questions the Committee (or larger Council) may have. We ask for your prompt review and approval of this funding due to the tight timeline we now have to give NED notice for demolition of the “Fitness Factory,” which may take as much as 30-days to mobilize and 60-days to complete. This demolition must be complete before the site will be accessible to our selected Parking Garage contractor.

Final Bond Authorization Request (for Facility Construction)

A final cost estimate is being prepared by the design team and will be reviewed (for accuracy and comprehensiveness) by our Owner’s Project Manager (OPM). Before the bid package is advertised and made available to prospective contractors we will again request Bond Authorization from the Council, this time for the “gap construction funding” necessary to cover the cost of construction beyond what is covered by Federal and State funds. Since Federal and State funds will be accessed on a reimbursement basis it is likely that the final Bond Authorization for “gap construction funding” will cover the full cost of the project, approximately \$6.5M of which will be reimbursed by MassDOT and the FTA (through MVRTA).

Updated Project Schedule

The following Gantt Chart summarizes the overall project schedule, and milestones, estimated between now (May 2017) and facility opening (in late 2018):

| Project Phase / Task | 2017 | | | | | | | | → | 2018 |
|---------------------------------------|------|------|------|--------|------|-----|-----|-----|---|------|
| | May | June | July | August | Sept | Oct | Nov | Dec | | |
| Execute Purchase & Sale Agreement | ⊕ | | | | | | | | | |
| Relocation Services (for Tenants) | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| Council Bond Auth. (Land Acquisition) | | ⊕ | | | | | | | | |
| Planning Board / Hist. Comm. Approval | | ⊕ | | | | | | | | |
| Finalize 60% Design Plans/Package | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| Finalize/Review 60% Cost Estimate | | ⊕ | | | | | | | | |
| Council Bond Auth. (Gap Construction) | | | ⊕ | | | | | | | |
| Finalize 100% Design Plans/Package | | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ | ■ |
| “Fitness Factory” Demolition (by NED) | | | | ⊕ | | | | | | |
| Closing / Deed to City Recorded | | | | | ■ | ■ | ■ | ■ | ■ | ■ |
| Construction Bidding | | | | | ■ | ■ | ■ | ■ | ■ | ■ |
| Construction Phase | | | | | | | ■ | ■ | ■ | ■ |
| Facility Opens | | | | | | | | | | ⊕ |

Please let us know if you have any additional questions regarding the status or details of this project.

DRAFT MEMORANDUM OF AGREEMENT
BETWEEN THE
MERRIMACK VALLEY REGIONAL TRANSIT AUTHORITY
AND THE
CITY OF NEWBURYPORT
FOR FUNDING, PROJECT MANAGEMENT, SITE CONTROL AND OPERATIONAL
DETAILS RELATED TO THE
NEWBURYPORT INTERMODAL TRANSIT & PARKING FACILITY

This Memorandum of Agreement (the "Agreement") is made and entered into this ____ day of _____, 2017, in accordance with the provisions of Massachusetts General Laws, Chapter 40, Section 4A, by and between the Merrimack Valley Regional Transit Authority (the "Authority"), an authority established and existing under Chapter 161B of the Massachusetts General Laws, having its principal place of business at 85 Railroad Avenue, Haverhill, MA 01835, acting by and through its Administrator; and the City of Newburyport (the "City"), a Massachusetts municipality having a place of business at 60 Pleasant Street, Newburyport, MA 01950, acting by and through its Mayor.

WITNESSETH

WHEREAS, on March 1, 2017 the Authority and the City entered into an Intermunicipal Agreement (the "Agreement") to address the funding, project management, site control, and operational details related to the Newburyport Intermodal Parking Facility (the "Parking Garage"); and

WHEREAS, the Agreement acknowledged the benefits to be derived from the Parking Garage by the Authority and the City; and

WHEREAS, the Federal Transit Administration ("FTA") allocated \$886,160 in grant funding to the Authority for early project related activities, including completion of National Environmental Policy Act ("NEPA") requirements, preliminary engineering and completion of preliminary design at the 30% level; and

WHEREAS, the Authority will request an additional \$1.5 million in Federal funds from the FTA for construction, project administration, and technical assistance related activities for the Parking Garage project (the "Project"); and

WHEREAS, the MassDOT Transportation Funds will serve as the 20% local match requirement (i.e., for the FTA grant secured by the Authority for the Project; and

WHEREAS, the Authority and the City shall at all times comply with applicable Federal laws and regulations, including, but not limited to Federal transit laws at 49 U.S.C. Chapter 53, as amended, FTA regulations, and other Federal laws and regulations that contain requirements applicable to FTA grant recipients and their FTA assisted procurements; and

WHEREAS, the Authority and the City agree that, notwithstanding any concurrence by the Federal Government in or approval of a third party contract for work involving the Parking Garage, the Federal Government is not a party to any such contract and shall not be subject to any obligations or liabilities to the parties or contractors at any level or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract; and

WHEREAS, the Authority and the City are committed to cooperate with each other to accomplish the above goals, which include the construction of the Parking Garage for transit and other mixed use purposes; and

WHEREAS, the City will act on behalf of the Authority to implement FTA requirements applicable to the construction of the Parking Garage project and the Authority will conduct oversight of the City's efforts in this regard

WHEREAS, it is the intent of the parties that this Memorandum of Agreement will serve to address implementation of FTA requirements applicable to the Intermodal Parking Facility NOW, THEREFORE, in consideration of the mutual benefits and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Authority and the City agree as follows:

ARTICLE I: RESPONSIBILITIES OF THE PARTIES

A. AUTHORITY'S RESPONSIBILITIES

1. The Authority shall contribute an amount not to exceed One Million Five Hundred Thousand Dollars (\$1,500,000) of FTA Section 5307 funding to be used solely for the purpose of the Project. Use of these funds are limited to eligible Federal activities, including project administration and technical assistance, construction of a minimum of 45 parking spaces

available for transit riders, ticketing office, passenger waiting areas, and inter-city/commuter bus bays.

2. In its capacity for providing project-related oversight to ensure compliance with Federal requirements, the Authority shall review and concur in all bidding documents, including any contract drawings, technical specifications, and general provisions for construction services prior to advertisement for such services. The Authority shall also participate in the evaluation of all bids submitted to construct the Parking Garage and selection of the Awardee.
3. On a monthly basis, the Authority shall reimburse the City for payment of construction services based on copies of approved invoices for eligible transit activities that are timely submitted by the City. The Authority shall pay the City 80% of the amount of the approved invoice no later than thirty (30) calendar days after receipt of said invoice. In no event, shall the Authority's contribution for the construction of the Parking Garage, and administration and technical assistance of the Project exceed \$1.5 million of Federal funding.

B. CITY'S RESPONSIBILITIES

1. The City shall grant a permanent access easement over its land to the Authority where such access is necessary in order for the Authority to carry out its responsibilities hereunder.
2. The City agrees to commit the MassDOT Transportation Funds as the required 20% non Federal match to the FTA funds in the amount not to exceed \$375,000 to the Authority to satisfy the local match requirement for the FTA Section 5307 grant funds.
3. The City shall complete final (100%) design of the Parking Garage and develop all related bidding documents, including contract drawings, technical specifications, and general provisions. These documents shall be provided by the City to the Authority for their review and concurrence.
4. The City shall undertake all aspects of the bidding process for construction services under G.L. c. 149 and any other applicable laws, rules, and regulations and involve the Authority in selection of the General Contractor selected for construction of the Parking Garage. The City agrees to in-

clude notice in each third party agreement that Federal requirements apply to the Project.

5. Upon completion of the bidding process, the City shall develop a detailed scope, schedule, and budget Project plan. This plan will be shared with the Authority for their review and concurrence.
6. The City shall, as a minimum, comply with the following FTA grant program areas and the Authority will assist the City in obtaining the available FTA guidance to ensure compliance:
 - a. Financial Management and Capacity
 - b. Technical Capacity
 - c. Maintenance
 - d. Americans with Disabilities Act
 - e. Procurement
 - f. Disadvantaged Business Enterprise
 - g. Satisfactory Continuing Control
 - h. Security
7. The City shall oversee all aspects of construction of the Parking Garage and shall maintain records and other evidence pertaining to construction costs incurred in the Project for the longer of (a) three years after the date of completion of the Project, and (b) three years after the date of final payment of the proceeds of the Authority's Federal grant. If requested, these records shall be made available for inspection and audit at all reasonable times to representatives of the Authority.
8. The City agrees to assume all financial responsibilities to complete the project without any additional funding from the Authority beyond the committed \$1.5 million in new FTA Section 5307 grant funds.
9. On a monthly basis, the City shall submit to the Authority proof of payment for construction services completed that are eligible for Federal reim-

bursement. Federal reimbursement shall be limited to 80% of costs incurred for eligible transit activities.

10. On a monthly basis, the City shall reimburse the Authority for the local match of the Project administration and technical assistance costs incurred by the Authority. The City shall pay the Authority the 20% local match amount no later than thirty (30) calendar days after receipt of said invoice. The City's local match obligation to the Authority for Project administration and technical assistance expenses shall not exceed \$56,250.

11. Consistent with its construction responsibilities as provided herein, the City shall, to the extent permitted by law, indemnify, defend, and save harmless the Authority from and against any and all liabilities, losses, damages, costs, expenses (including reasonable attorneys' expenses and fees), causes of action, suits, claims, demands or judgements of any nature whatsoever, including without limitation, those resulting from the presence of oil or hazardous materials on the property covered by the Agreement that may be imposed upon or incurred by or asserted against the Authority by reason of any of the following acts occurring or arising during the term of the Agreement.
 - a. any accident, injury to, or death of any person or any damage to the property; or
 - b. any use, nonuse, condition, or occupation of the Parking Garage or any part thereof, or resulting from the condition thereof; or
 - c. the placement or accidental release of any Hazardous Materials onto the property by the City or its employees, agents, contractors, or consultants by the employees, agents or consultants of the City's contractors or subcontractors or any other party acting on behalf of the City; or
 - d. the presence or discovery of any pre-existing Hazardous Materials on any portion of the property mentioned in the Agreement; or
 - e. the failure of the City to perform or comply with any of the terms hereof or of any contracts, agreements or restrictions, statutes, laws, ordinances or regulations applicable to the Project or applicable to the

ownership, occupancy or use of the Parking Garage once it is constructed.

12. The City shall include substantially similar indemnification provisions in any construction contract awarded with respect to the Project requiring substantially similar obligations of any third party contractor towards the Authority.
13. During the Term of this Agreement, the City shall maintain and shall require all contractors to maintain insurance coverage adequate to protect the Authority and the City from any claims and liabilities resulting from the Project and the operation of the Parking Garage, including but not limited to any coverage required by the state and local laws, regulations, and ordinances. The City shall provide proof of such coverage to the Authority prior to commencing construction of the Parking Garage. The Authority will be named an additional insured on this coverage.
14. The City agrees to maintain competent and adequate engineering supervision at the construction site of the Project to ensure that the completed work conforms to the approved plans and specifications.
15. The City agrees to provide progress reports and other relevant information or data to the Authority, including all City directed and contractor initiated requests for claims and change orders.
16. The City will assume full responsibility for operations and maintenance of the Intermodal Parking Facility including rate setting.

ARTICLE II: APPLICABLE FEDERAL CONTRACT CLAUSES

The FTA will enforce only those Federal laws, regulations, requirements, and guidance that apply to the Parking Garage Project. As a participant in the Project, on behalf of the Authority, the City will assume responsibility for the applicable Federal provisions as stated herein. Moreover, the City agrees to include notice in each third party agreement that Federal requirements apply. FTA's Best Practices Procurement & Lessons Learned Manual contains a series of model clauses that are useful for FTA funded projects. The City will include these relevant model clauses in its procurement documents for construction services.

1. Civil Rights and Equal Opportunity Requirements. The City agrees to and assures that it and each third party contractor at all levels participating in the Project will comply with all applicable Federal civil rights laws and implementing regulations, requirements, and Federal guidance, except as the Federal Government determines otherwise in writing. The City agrees to comply with the requirements of 49 U.S.C. § 5323(h)(3) by not using exclusionary or discriminatory specifications. Under this Agreement, the City will comply with the following requirements and will stipulate in its bidding documents for the Project that the contractor and all subcontractors will similarly comply with these civil rights and equal opportunity requirements as stated herein.

- (a) Nondiscrimination. In accordance with Federal transit law at 49 U.S.C. § 5332, the City agrees that it will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, disability, or age. In addition, the Contractor agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.
- (b) Race, Color, Religion, National Origin, Sex. In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e *et seq.*, and Federal transit laws at 49 U.S.C. § 5332, the City agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 C.F.R. chapter 60, and Executive Order No. 11246, "Equal Employment Opportunity in Federal Employment," September 24, 1965, 42 U.S.C. § 2000e note, as amended by any later Executive Order that amends or supersedes it, referenced in 42 U.S.C. § 2000e note. The City agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, national origin, or sex (including sexual orientation and gender identity). Such action shall include, but not be limited to, the following: employment, promotion, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, in-

cluding apprenticeship. In addition, the City agrees to comply with any implementing requirements FTA may issue.

- (c) Age. In accordance with the Age Discrimination in Employment Act, 29 U.S.C. §§ 621- 634, U.S. Equal Employment Opportunity Commission (U.S. EEOC) regulations, "Age Discrimination in Employment Act," 29 C.F.R. part 1625, the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6101 *et seq.*, U.S. Health and Human Services regulations, "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance," 45 C.F.R. part 90, and Federal transit law at 49 U.S.C. § 5332, the City agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the City agrees to comply with any implementing requirements FTA may issue.
- (d) Disabilities. In accordance with section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. § 12101 *et seq.*, the Architectural Barriers Act of 1968, as amended, 42 U.S.C. § 4151 *et seq.*, and Federal transit law at 49 U.S.C. § 5332, the City agrees that it will not discriminate against individuals on the basis of disability. In addition, the City agrees to comply with any implementing requirements FTA may issue.

- 2. Disadvantaged Business Enterprise (DBE). The Parking Garage Project is subject to the provisions of 49 C.F.R. part 26, Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs. The City agrees to stipulate a race conscious goal for DBE participation of 3.4% in the Project bidding documents and notify the contractor that it shall carry out applicable requirements of 49 C.F.R. part 26 in the award of administration of the Project. Failure by the contractor to carry out these provisions is a material breach of the underlying contract.
- 3. Suspension and Debarment. The City shall comply and facilitate compliance with U.S. DOT regulations, "Nonprocurement of Suspension and Debarment," 2 C.F.R. part 1200, which adopts and supplements the U.S. Office of Management and Budget (U.S. OMB) "guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," 2 C.F.R. part 180. As such, the City shall verify that its principals, affiliates,

contractors, and subcontractors are eligible to participate in the federally funded Parking Garage Project and are not presently declared by a Federal department or agency to be:

- a) Debarred from participation in any federally assisted Award;
 - b) Suspended from participation in any federally assisted Award;
 - c) Proposed for debarment from participation in any federally assisted Award;
 - d) Declared ineligible to participate in any federally assisted Award;
 - e) Voluntarily excluded from participation in any federally assisted Award; or
 - f) Disqualified from participation in any federally assisted Award.
4. Employee Protections. Certain employee protections apply to all FTA funded construction contracts. The City will ensure that each third party contractor complies with all Federal laws, regulations, and requirements, including:
- A. Prevailing Wage Requirements
 - i. Federal transit laws, specifically 49 U.S.C. § 5333(a), (FTA's "Davis-Bacon Related Act");
 - ii. The Davis-Bacon Act, 40 U.S.C. §§ 3141 – 3144, 3146, and 3147; and
 - iii. U.S. DOL regulations, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction (also Labor Standards Provisions Applicable to Non-construction Contracts Subject to the Contract Work Hours and Safety Standards Act)," 29 C.F.R. part 5.
 - B. "Anti-Kickback" Prohibitions
 - i. Section 1 of the Copeland "Anti-Kickback" Act, as amended, 18 U.S.C. § 874;
 - ii. Section 2 of the Copeland "Anti-Kickback" Act, as amended, 40 U.S.C. § 3145; and

- iii. U.S. DOL regulations, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in part by Loans or Grants from the United States," 29 C.F.R. part 3.

C. Contract Work Hours and Safety Standards

- i. Contract Work Hours and Safety Standards Act, as amended, 40 U.S.C. §§ 3701-3708; and supplemented by Department of Labor (DOL) regulations, 29 C.F.R. part 5; and
- ii. U.S. DOL regulations, "Safety and Health Regulations for Construction," 29 C.F.R. part 1926.

5. Bonding Requirements. The FTA requires bonds for all construction contracts that exceed \$150,000. The FTA may accept the bonding requirements of the City if the Federal interest is adequately protected. The City shall submit to the Authority its plan for bonding for the Parking Garage Project for review and concurrence. Generally, the following minimum requirements apply:

- a. A bid guarantee from each bidder equivalent to five percent of the bid price. The "bid guarantee" must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
- b. A performance bond on the part of the contractor for 100 percent of the contract price. A "performance bond" is one executed in connection with a contract to secure fulfillment of all the contractor's obligations under such contract.
- c. A payment bond on the part of the contractor for 100 percent of the contract price. A "payment bond" is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

6. Energy Conservation. The City agrees to, and assures that its contractors and subcontractors working on the Parking Garage Project, will comply with the mandatory energy standards and policies of its state energy

conservation plans under the Energy Policy and Conservation Act, as amended, 42 U.S.C. § 6201 *et seq.*, and perform an energy assessment for any building constructed with Federal assistance as required under FTA regulations, "Requirements for Energy Assessments," 49 C.F.R. part 622, subpart C.

7. Flood Insurance. The City agrees that it will have flood insurance as required by the Flood Disaster Protection Act of 1973, 42 U.S.C. § 4012a(a), for any building located in a special flood hazard area (100-year flood zone), before accessing Federal assistance to construct the Parking Garage. The Parking Garage and its contents will be covered by flood insurance in an amount at least equal to the Federal investment.
8. Geographic Preference. The City agrees not to use any state or local geographic preference in the procurement for construction services, except as permitted by Federal law, regulation, or guidance.
9. Standards of Conduct. The City agrees to, and assures that its contractors will establish and maintain written standards of conduct covering conflicts of interest that apply to individuals who have a present or potential financial interest or other significant interest in the selection, award, or administration of a third party contract or subcontract associated with the Project.
10. Lobbying Restrictions. The lobbying requirements apply to all contracts and subcontracts of \$100,000 or more at any tier under a Federal grant. The City agrees that neither it nor any third party participant in the Project will use Federal assistance to influence any member of Congress, or officer or employee of Congress on matters involving the Agreement, including any extension or modification thereof. The City also agrees that if any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to include an officer or employee of any agency, as Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connections with this Agreement, the payor must complete and submit the Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
11. Procurement. The City agrees to conduct all procurement actions associated with construction of the Parking Garage using full and open competition as provided in 49 U.S.C. § 5325(a), and as determined by FTA.

The City agrees that it will not enter into a procurement that involves real or apparent organizational conflict of interest. All third party contracts made by the City under this Agreement must include terms that address the following provisions:

- a. All contracts in excess of \$150,000 shall contain administrative, contractual, or legal remedies in instances where the third party contractors violate or breach contract terms. Sanctions and penalties must also be included, as appropriate.
- b. All contracts in excess of \$10,000 must address termination for cause and termination for convenience, including the manner by which it will be effected and the basis for settlement. These termination clauses extend to all contracts at every tier.
- c. The provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 U.S.C. § 3801 *et seq.* and U.S. Dot regulations, "Program Fraud Civil Remedies," 49 C.F.R. part 31, apply to the contractor's actions pertaining to the Project.

12. Preference for United States Products and Services. The City agrees to comply with FTA's U.S. domestic preference requirements and follow Federal guidance, including:

- a. Buy America. The domestic preference procurement requirement of 49 U.S.C. § 5323(j), and FTA regulations, "Buy America Requirements," 49 C.F.R. part 661, to the extent consistent with 49 U.S.C. § 5323(j).
- b. Cargo Preference. The shipping requirements of 46 U.S.C. § 55305, and U.S. Maritime Administration regulations, "Cargo Preference - U.S. Flag Vessels," 46 C.F.R. part 381.
- c. Fly America. The air transportation requirements of Section 5 of the International Air Transportation Fair Competitive Practices Act of 1974, as amended, 49 U.S.C. § 40118, and U.S. General Services Administration (U.S. GSA) regulations, "Use of United States Flag Air Carriers," 41 C.F.R. § § 301-10.131 - 301-10.143.

ARTICLE III: GENERAL PROVISIONS

1. Term of Agreement. The terms of this Agreement shall commence upon the execution hereof by both parties hereto and shall continue, unless sooner terminated pursuant hereto, until construction of the Parking Garage is completed and open for revenue service.

2. Default. A party shall be in default hereunder if that party fails to comply with one or more terms of this Agreement and is so notified in writing by the other party of the specific term(s) of non-compliance.

3. Remedies. If after notification of default, the defaulting party fails to commence cure within thirty days of such notice or fails to pursue such cure with all due diligence, then the non-defaulting shall have all remedies available at law or at equity, including without limitation, specific performance and payment of all damages, expenses and costs

4. Right to Inspect. It is understood that authorized representatives of the Authority may inspect or review the work in progress on the Project site at any time.

5. Dispute Resolution. The City and the Authority intend to resolve all disputes under this Amendment No. 1 to the best of their abilities in an informal manner. To accomplish this end, the Parties will use an Alternative Dispute Resolution process to resolve disputes in a manner designed to avoid litigation. In general, the Parties contemplate the Alternative Dispute Resolution process will include, at a minimum, an attempt to resolve disputes through communications between their staffs and, if resolution is not reach at that level, a procedure for review and action on such disputes by appropriate management level officials within the City and the Authority.

6. Work in Harmony. The City agrees that in use of the Project premises or any work performance in or about the Project premises, it will employ only labor which can work in harmony with all elements of labor being employed at the Project.

7. Entire Agreement. The parties agree that all other provisions of the Agreement shall remain the same and shall continue in full force and effect. In case of a conflict between any provision of this Agreement and the FTA requirements, the FTA requirements shall control unless otherwise directed by the Authority. This Agreement together with the other components of the Agreement documents,

constitutes the entire agreement between the parties, and no other agreements other than those incorporated herein shall be effective as to the parties hereto.

8. Amendments The Authority and the City agree that this Agreement may be amended from time to time
9. Severability Clause. If any provision of this Agreement or the application thereof is held invalid, the invalidity shall not affect other provisions or applications of the Agreement which can be given effect without the invalid provisions or applications and to this end the provisions of this Agreement are declared to be severable.

IN WITNESS, WHEREOF, the parties hereto have executed this Amendment on the day and year first above written.

MERRIMACK VALLEY REGIONAL
TRANSIT AUTHORITY

CITY OF NEWBURYPORT

Joseph J. Costanzo
Administrator

Donna D. Holaday
Mayor

580204/MVRT/0001



Charles D. Baker, Governor
Karyn E. Polito, Lieutenant Governor
Stephanie Pollack, MassDOT Secretary & CEO

massDOT
Massachusetts Department of Transportation

April 27, 2017

The Honorable Donna D. Holaday,
Office of the Mayor
City of Newburyport
60 Pleasant Street
P.O. Box 550
Newburyport, MA 01950

Dear Mayor Holaday,

It was a pleasure meeting with you and your team to discuss the progress that is being made on the Newburyport Intermodal Parking Facility. The Secretary was very glad to hear that the project is reaching to the stage of final design and she will be interested in your further progress towards completion.

Please accept this letter as confirmation of MassDOT's commitment of \$5,000,000 in state funds for the Newburyport Intermodal Parking Facility. MassDOT included \$5,000,000 in funding for the project in the FY17-21 Capital Improvement Plan and we are including the same sum in the FY18-22 Capital Improvement Plan that will be presented to the MassDOT Board for adoption in June. Subject to final adoption by the MassDOT Board in June, the \$5 million will be provided in two fiscal years. \$2,500,000 will be available in FY18 and the remaining \$2,500,000 will be available in FY19.

Congratulations again on the progress that you and the other City leaders have made on the Newburyport Intermodal Parking Facility. MassDOT is pleased to be partnering with the City of Newburyport, the Federal Transit Administration and the Merrimack Valley Regional Transit Authority on this important development project.

Sincerely,

Astrid Glynn

MassDOT Rail and Transit Administrator



MVRTA Advisory Board Officers
Mayor Daniel Rivera, Chair
Mr. David Van Dam, Vice Chair
Ms. Christine Lindberg, Secretary

Joseph J. Costanzo
Administrator

May 19, 2017

The Honorable Donna D. Holaday
Office of the Mayor
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

Re: **Newburyport Intermodal Transit & Parking Facility
Confirmation of FTA Funding Available for this Project**

Dear Mayor Holaday:

I am pleased to be working with the City of Newburyport towards the completion of an Intermodal Transit & Parking Facility in downtown Newburyport. This facility will add to the inventory of formal intermodal transit stations utilized by the Merrimack Valley Regional Transit Authority (MVRTA) within our region. This facility will increase MVRTA ridership and transit access to downtown Newburyport.

It is my understanding that you will be seeking City Council bond authorization in the coming weeks for acquisition of a parcel of land located at the intersection of Merrimac Street and Titcomb Street to construct this new facility. In light of the recent reduction in FTA funding available for this project (*from \$2M to \$1.5M*) due to a reduced project scope, it is understandable that the City would like to confirm the amount of Federal Transit Administration (FTA) funding committed to facility construction. As you know, these FTA funds will be made available to the City through the MVRTA.

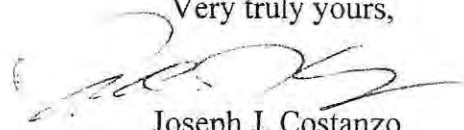
Please accept this letter as confirmation that funding will be made available for the Newburyport Intermodal Transit & Parking Facility in the amount of \$1.5M, subject to the completion of the FTA's capital grant application/award process and compliance with all grant award requirements established by the FTA. At this point, in order to obtain grant approval from FTA, the City must provide documentation that it has complied with the Uniform Relocation Assistance and Real Property Acquisition Policies Act ("Uniform Act") prior to acquiring the parcel. Once the grant is approved by FTA, the funding will be made available to the City through MVRTA for all eligible project expenses, including construction of the facility, project administration/oversight and technical assistance.

As discussed previously, we anticipate that compliance with the above policies will be ensured through an Intermunicipal Agreement between the City and MVRTA addressing such issues as facility operations, maintenance, use of funds and other key aspects of the project.

In order to obtain the \$1.5 M from FTA for the project, a non-Federal local match of 20% is required. The City has agreed to provide this match for a total of \$375,000. The MVRTA and the City will work cooperatively to allocate these funds to an agreed upon project scope and budget.

Please do not hesitate to contact me if you have any further questions.

Very truly yours,

A handwritten signature in black ink, appearing to read "Joe Costanzo", written over a faint circular stamp.

Joseph J. Costanzo
Administrator

Newburyport Intermodal Parking Facility

Financial Update as of May 2017

1) Budget Update

Project Budget

| | | |
|---|-----------|-------------------|
| Soft Costs (Design/Construction Admin) | \$ | 1,497,719 |
| Land Acquisition | \$ | 2,184,000 |
| Construction | \$ | 8,681,997 |
| Total Budget (30% Design Through Construction) | \$ | 12,363,716 |

Funding Sources

| | | |
|-----------------------------------|-----------|-------------------|
| FTA Transit Funding | \$ | 1,500,000 |
| Commonwealth Grant | \$ | 5,000,000 |
| Newburyport Parking Revenue Bond* | \$ | 5,863,716 |
| Total Funding Sources | \$ | 12,363,716 |

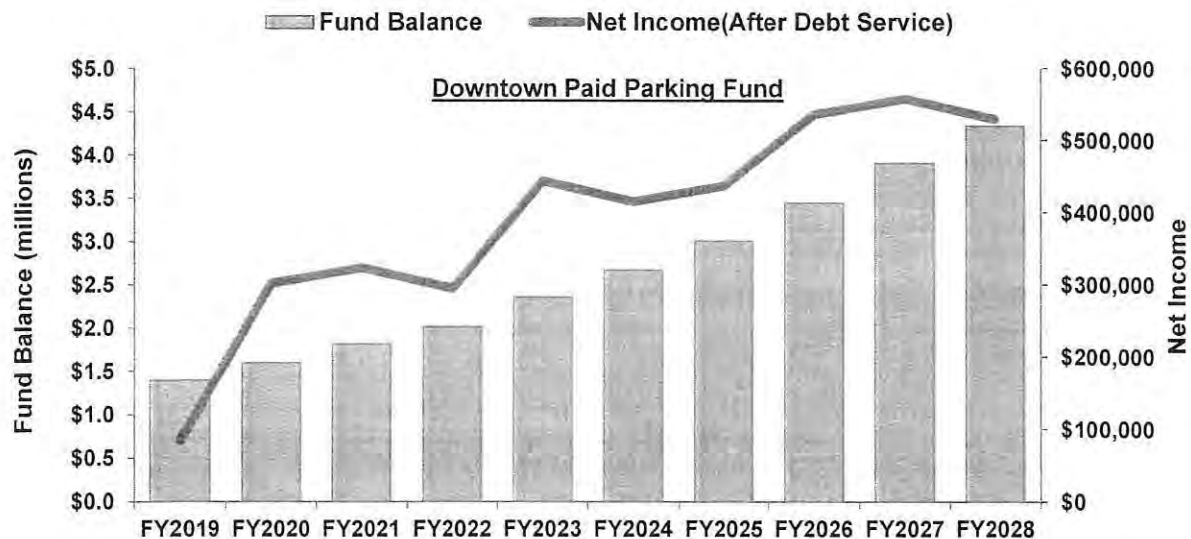
*Newburyport Cost Per Space (207 Spaces) \$ 28,327

2) Bonding Estimates

| | | |
|--|-----------|------------------|
| Design (Authorized 3/14/16) | \$ | 630,300 |
| Land Acquisition and Construction | \$ | 5,233,416 |
| Total Debt Issuance[†] | \$ | 5,863,716 |

[†]Estimated Annual Debt Service Based on 25 Year Bond @ 3.5% \$ 355,775

3) Paid Parking Financial Projection



Note: Above based on ten year projection for the Downtown Paid Parking Program, including the operations and debt service for the Intermodal Facility, starting in FY2019. Fund balance shown after the funding of a maintenance account, as well as, \$100,000 annually for other downtown improvements. The financial projection is based on certain hypothetical assumptions and is for illustrative purposes only. There is no guarantee that these results will be obtained.

**Newburyport Intermodal Parking Facility
Development Budget**

5/22/2017

| | | February 2016 Estimate | May 2017 Budget | Difference |
|---|---|---------------------------|----------------------|---------------------|
| Project Costs: | | | | |
| Design/Permitting/Construction Administration (30% design through construction): | | | | |
| Total Chapter 149 Project Management Oversight (Heery): | | \$ 538,000 | \$ 497,914 | \$ (40,086) |
| Total MVRTA / FTA Project Management Consulting Services (Real Estate Perspectives) | | \$ 153,000 | \$ 128,000 | \$ (25,000) |
| Total Project Design Services (Desman) | | \$ 570,730 | \$ 577,130 | \$ 6,400 |
| Structural Peer Review | | \$ - | \$ 7,500 | \$ 7,500 |
| Telephone/Data/Security Fit Up | | \$ - | \$ 75,000 | \$ 75,000 |
| Special Inspections/Testing (concrete, geotechnical, etc.) | | \$ - | \$ 20,000 | \$ 20,000 |
| Relocation Consultant (O.R. Colan Assoc.) | | \$ - | \$ 57,175 | \$ 57,175 |
| Relocation Costs (3 tenants) | | \$ - | \$ 75,000 | \$ 75,000 |
| Miscellaneous Legal, Appraisal, Printing, Advertising, Administrative Costs | | \$ 13,000 | \$ 60,000 | \$ 47,000 |
| Subtotal Soft Costs | | \$ 1,274,730 | \$ 1,497,719 | \$ 222,989 |
| Land Acquisition: | | \$ 2,000,000 | \$ 2,184,000 | \$ 184,000 |
| (includes demolition) | | | | |
| Construction: | | | | |
| Construction General Contractor (2/1/17 Heery 30% Cost Estimate) | | \$ 6,800,000 | \$ 8,076,454 | \$ 1,276,454 |
| (includes façade upgrades and concrete deck sealer) | | | | |
| Design Contingency (3.75%) (Historical Commission revisions - cornice, windows, etc.) | | \$ - | \$ 302,867 | \$ 302,867 |
| Building / Systems Commissioning | | \$ - | \$ 20,000 | \$ 20,000 |
| Contingency (3.5%) | | \$ 580,000 | \$ 282,676 | \$ (297,324) |
| Subtotal Construction Costs | | \$ 7,380,000 | \$ 8,681,997 | \$ 1,301,997 |
| Total Project Costs | | \$ 10,654,730 | \$ 12,363,716 | \$ 1,708,986 |
| Project Funding Sources: | | | | |
| FTA Transit Funding | | \$ 2,000,000 | \$ 1,500,000 | \$ (500,000) |
| Commonwealth Grant | | \$ 5,000,000 | \$ 5,000,000 | \$ - |
| Newburyport Parking Revenue Bond - includes \$630,300 design authorization 3-14-16 (1) | | \$ 3,654,730 | \$ 5,863,716 | \$ 2,208,986 |
| Total Funding Sources: | | \$ 10,654,730 | \$ 12,363,716 | \$ 1,708,986 |
| (1) | Estimated Annual Debt Service Based on 25 Year Bond @ 3.5% | \$221,747 | \$355,775 | \$134,028 |
| | Newburyport Cost Per Space (204 spaces 2/2016; 207 spaces 5/2017) | \$17,915 | \$28,327 | \$10,412 |

**Downtown Parking Program
Financial Projection**

5/22/2017

Intermodal Facility

For Illustrative Purposes Only

| | Actual FY2014 | Actual FY2015 | Actual FY2016 | Projected FY2017 | Projected FY2018 | Year 1 Projected FY2019 | Year 2 Projected FY2020 | Year 3 Projected FY2021 | Year 4 Projected FY2022 | Year 5 Projected FY2023 | Year 6 Projected FY2024 | Year 7 Projected FY2025 | Year 8 Projected FY2026 | Year 9 Projected FY2027 | Year 10 Projected FY2028 |
|---|------------------|------------------|------------------|---------------------|---------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|--------------------------------|
| Revenue | | | | | | | | | | | | | | | |
| Annual Parking Permits | 42,641 | 79,804 | 53,558 | 72,994 | 48,099 | 72,994 | 48,099 | 72,994 | 48,099 | 72,994 | 48,099 | 72,994 | 48,099 | 72,994 | 48,099 |
| Parking Fines ⁽¹⁾ | 302,601 | 220,732 | 236,514 | 245,961 | 248,631 | 215,253 | 215,253 | 215,253 | 215,253 | 215,253 | 215,253 | 215,253 | 215,253 | 215,253 | 215,253 |
| Other Sources | 1,656 | 5,690 | 2,811 | 2,811 | 2,811 | 2,811 | 2,811 | 2,811 | 2,811 | 2,811 | 2,811 | 2,811 | 2,811 | 2,811 | 2,811 |
| Parking Meter Revenue ⁽²⁾ | 344,241 | 353,126 | 431,768 | 751,320 | 779,941 | 654,623 | 781,826 | 781,826 | 781,826 | 909,030 | 909,030 | 909,030 | 1,036,233 | 1,036,233 | 1,036,233 |
| Intermodal Facility Revenue ⁽³⁾ | 0 | 0 | 0 | 0 | 0 | 110,075 | 248,400 | 258,336 | 268,669 | 279,416 | 290,593 | 302,217 | 314,305 | 326,877 | 339,953 |
| Gross Revenue | 691,139 | 659,352 | 724,651 | 1,073,085 | 1,079,482 | 1,055,755 | 1,296,389 | 1,331,219 | 1,316,658 | 1,479,503 | 1,465,785 | 1,502,303 | 1,616,701 | 1,654,168 | 1,642,349 |
| Hourly Rate | \$ 0.50 | \$ 0.50 | \$ 0.50 | \$ 1.00 | \$ 1.00 | \$ 1.00 | \$ 1.25 | \$ 1.25 | \$ 1.25 | \$ 1.50 | \$ 1.50 | \$ 1.50 | \$ 1.75 | \$ 1.75 | \$ 1.75 |
| Space Counts | | | | | | | | | | | | | | | |
| Riverside Park | 64 | 58 | 58 | 58 | 58 | 58 | 58 | 58 | 58 | 58 | 58 | 58 | 58 | 58 | 58 |
| Central Waterfront Lots ⁽⁴⁾ | 375 | 375 | 375 | 375 | 375 | 150 | 150 | 150 | 150 | 150 | 150 | 150 | 150 | 150 | 150 |
| Green Street Lot | 227 | 227 | 227 | 227 | 227 | 227 | 227 | 227 | 227 | 227 | 227 | 227 | 227 | 227 | 227 |
| Prince Place/Hales Court Lot ⁽⁵⁾ | 44 | 44 | 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 | 31 | 31 |
| Intermodal Facility | 0 | 0 | 0 | 0 | 0 | 207 | 207 | 207 | 207 | 207 | 207 | 207 | 207 | 207 | 207 |
| Total Off-Street Spaces | 741 | 735 | 735 | 735 | 753 | 735 | 735 | 735 | 735 | 735 | 735 | 735 | 735 | 735 | 735 |
| Downtown On-Street Spaces | 923 | 923 | 923 | 923 | 923 | 923 | 923 | 923 | 923 | 923 | 923 | 923 | 923 | 923 | 923 |
| Total Downtown Parking | 1,664 | 1,658 | 1,658 | 1,658 | 1,676 | 1,658 | 1,658 | 1,658 | 1,658 | 1,658 | 1,658 | 1,658 | 1,658 | 1,658 | 1,658 |

Notes:

- (1) Based on two year biennial average.
- (2) Based on FY14-FY15 average at \$1.00 per hour, increasing in FY20, FY23 and FY26 as shown.
- (3) Based on projections from Todd Gilbert (LAZ Parking), as reviewed by John Burke (Independent Parking Consultant).
- (4) Assumes a minimum of 150 spaces are maintained on the waterfront with revenue going back to the City.
- (5) Increases by 18 spaces from lease of Hales Court lot from USPS.

**Downtown Parking Program
Financial Projection**

5/22/2017

Intermodal Facility

For Illustrative Purposes Only

| | Actual FY2014 | Actual FY2015 | Actual FY2016 | Projected FY2017 | Projected FY2018 | Year 1 Projected FY2019 | Year 2 Projected FY2020 | Year 3 Projected FY2021 | Year 4 Projected FY2022 | Year 5 Projected FY2023 | Year 6 Projected FY2024 | Year 7 Projected FY2025 | Year 8 Projected FY2026 | Year 9 Projected FY2027 | Year 10 Projected FY2028 |
|---|------------------|------------------|------------------|---------------------|---------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|-------------------------------|--------------------------------|
| Expenses | | | | | | | | | | | | | | | |
| Personnel Services ⁽¹⁾ | (88,840) | (108,812) | (122,637) | (127,003) | (131,651) | (136,351) | (141,110) | (146,007) | (151,015) | (156,164) | (161,474) | (166,964) | (172,624) | (178,476) | (184,526) |
| Purchase of Services ⁽²⁾ | (127,197) | (139,785) | (148,692) | (151,636) | (154,638) | (157,731) | (160,885) | (164,087) | (167,336) | (170,649) | (174,028) | (177,474) | (180,988) | (184,571) | (188,226) |
| Professional & Technical ⁽²⁾ | (635) | (9,904) | (2,340) | (4,378) | (4,465) | (4,554) | (4,645) | (4,737) | (4,831) | (4,927) | (5,024) | (5,124) | (5,225) | (5,329) | (5,434) |
| NRA Agreement ⁽³⁾ | (122,690) | (113,322) | (143,598) | (208,863) | (208,863) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Waterfront Trust Agreement ⁽³⁾ | (23,000) | (25,609) | (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) |
| Intermodal Facility Operations ⁽⁴⁾ | 0 | 0 | 0 | 0 | 0 | (173,781) | (187,655) | (191,494) | (195,414) | (199,415) | (203,501) | (207,672) | (211,930) | (216,278) | (220,717) |
| R/E Taxes 90 Pleasant St. ⁽⁵⁾ | 0 | 0 | 0 | 0 | (12,705) | (13,023) | (13,348) | (13,682) | (14,024) | (14,375) | (14,734) | (15,102) | (15,480) | (15,867) | (16,264) |
| Total Expenses | (362,362) | (397,432) | (451,516) | (561,880) | (582,323) | (555,440) | (577,644) | (590,007) | (602,620) | (615,530) | (628,761) | (642,336) | (656,247) | (670,521) | (685,167) |
| Expense Assumptions | | | | | | | | | | | | | | | |
| Hourly Labor Costs ⁽⁶⁾ | 2.3% | 2.1% | 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 ⁽⁷⁾ | 1.1% | 0.5% | 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% |
| Net Operating Income | 328,778 | 261,920 | 273,135 | 511,205 | 497,159 | 500,315 | 718,745 | 741,212 | 714,039 | 863,973 | 837,024 | 859,968 | 960,454 | 983,647 | 957,182 |
| Debt Service ⁽⁸⁾ | 0 | 0 | 0 | 0 | 0 | (355,775) | (355,775) | (355,775) | (355,775) | (355,775) | (355,775) | (355,775) | (355,775) | (355,775) | (355,775) |
| Maintenance Fund ⁽⁹⁾ | 0 | 0 | 0 | 0 | 0 | (60,088) | (61,290) | (62,509) | (63,747) | (65,009) | (66,296) | (67,609) | (68,948) | (70,313) | (71,705) |
| Net Income | 328,778 | 261,920 | 273,135 | 511,205 | 497,159 | 84,452 | 301,681 | 322,928 | 294,517 | 443,189 | 414,953 | 436,584 | 535,732 | 557,559 | 529,702 |
| Capital/Other Financing Uses ⁽¹⁰⁾ | (457,706) | (418,339) | (55,905) | (100,000) | (100,000) | (100,000) | (100,000) | (100,000) | (100,000) | (100,000) | (100,000) | (100,000) | (100,000) | (100,000) | (100,000) |
| Ending Fund Balance | 541,629 | 385,210 | 602,440 | 1,013,645 | 1,410,804 | 1,395,256 | 1,596,937 | 1,819,865 | 2,014,382 | 2,357,571 | 2,672,524 | 3,009,108 | 3,444,840 | 3,902,399 | 4,332,101 |

Notes:

- (1) Based on FY16 actuals and increases in Hourly Labor Costs as shown.
- (2) Based on FY16 actuals and increases in prices (Inflation) as shown.
- (3) Assumes Newburyport Redevelopment Authority dissolves by FY2019.
- (4) Based on projections from Todd Gilbert (LAZ Parking), as reviewed by John Burke (Independent Parking Consultant).
- (5) Based on 75% of the FY16 tax bill of \$15,954, increasing by 2.5% per year. There will still be taxable property at 90 Pleasant Street following the land acquisition for the Intermodal Facility.
- (6) 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.
- (7) 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.
- (8) Funds a \$5,863,716 bond issue over 25 years. Includes \$630,300 for design.
- (9) Source: National Parking Association "Parking Garage Maintenance Manual." Based on cost per space estimate, adjusted for inflation. Begin funding in FY2019.
- (10) Transfers to capital project funds and other financing uses. Assumes \$100,000 per year.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 30, 2017

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude a gift from Dermatology & Skin Health, in the form of sunscreen and three (3) sunscreen dispensers, valued at \$900.00, and a gift from the New England Melanoma Foundation, in the form of sunscreen and two (2) sunscreen dispensers, valued at \$400.00, to be installed at the following locations around the City:

- Cashman Park
- (2) Rail Trail
- Beach at Plum Island
- Harbormaster Visiting Boater Facility

The gifts are accepted in accordance with M.G.L. Chapter 44, Section 53A1/2.

Councillor Charles F. Tontar
Chair, Budget & Finance Committee

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 30, 2017

THAT, The CITY COUNCIL of the City of Newburyport accepts with gratitude a grant from The Peter and Elizabeth C. Tower Foundation in the amount of \$378,792.00 for the purpose of implementing a Regional Prevention Coordinator in accordance with M.G.L. Chapter 44, Section 53A.

Councillor Charles F. Tontar
Chair, Budget & Finance Committee

PLANNING & DEVELOPMENT COMMITTEE ITEMS

JUNE 12, 2017

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

CITY OF NEWBURYPORT



 IN CITY COUNCIL

ORDERED:

APRIL 10, 2017

A ZONING ORDINANCE REGARDING SUBSTANTIAL HARDSHIP FOR VARIANCES

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

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

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

- ~~1. Where by reason of exceptional narrowness, shallowness or unusual shape of a specific site at the time of the effective date of this chapter or to which this is amended, or by reason of exceptional topographic conditions or other extraordinary and exceptional physical situations or condition of such site of property, the literal enforcement of the requirements of this chapter pertaining to yards or other space relationships or total land area would result in exceptional practical difficulties or exceptional and undue hardship upon the owner of such property.~~
- ~~2. In the case of corner lots where on all other corners of the intersection there are buildings or uses that do not conform to the regulations prescribed by this chapter for the district in which said lot is located and where said lot faces one (1) or more of said other uses, or in the case of an interior lot there are buildings on the lots which adjoin it on both sides or on the lot which adjoins it on one (1) side plus the lot which adjoins it on the rear and the lot or lots which immediately face it across the street, which buildings do not conform to the regulations prescribed by this chapter for the district in which the said lot is located.~~

 Councillor Jared J. Eigerman

CITY OF NEWBURYPORT



 IN CITY COUNCIL

ORDERED:

APRIL 10, 2017

A ZONING ORDINANCE REGARDING ADMINISTRATION AND ENFORCEMENT OF THE ZONING ORDINANCE

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

This ordinance shall take effect on January 1, 2018.

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

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

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

X-B - Administrative officials.

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

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

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

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

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

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

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

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

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

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

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

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

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

X-F - Violations.

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

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

X-G - Prosecution of violations.

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

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

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

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

XI-J - Conformance to performance standards.

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

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

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

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

...

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

XXVII-E - Exclusions.

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

...

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

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

XXVII-G – Historic Masonry.

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

...

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

...

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

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

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

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

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

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

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

Councillor Jared J. Eigerman

The City of Somerville, Massachusetts is a vibrant urban community that has been a leader in innovative planning. Somerville is updating the City's zoning ordinance to reflect national best practices and implement the 2013 Somerville comprehensive plan. The City recently introduced an on-line permit review system to coordinate development project review. Somerville is now seeking a "Zoning Review Planner" to work with the Director of the Inspectional Services Division (ISD) and the Director of Planning to ensure that new development is consistent with the Somerville Zoning Ordinance.

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

This position:

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

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

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

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

City Hall Personnel Office
93 Highland Avenue
Somerville MA 02143
Fax: 617-666-4426
TTY: 1-866-809-4951
Email: personnel@cityofsomerville.com

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

PUBLIC SAFETY COMMITTEE ITEMS
JUNE 12, 2017

- **COMM060_05_30_17** Block Party – Pheasant Run Drive – 6/30/17
- **COMM062_05_30_17** Lion's Club Yankee Homecoming Road Race – 8/1/2017
- **COMM063_05_30_17** Slow Bike Race – 8/2/17
- **ORDR025_05_30_17** Parking – Hales Court Lot
- **ORDR026_05_30_17** Handicapped Parking Space – Summit Place
- **ORDR030_05_30_17** Handicapped Parking Space - 13 Parsons Street



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2017 MAY -9 PH 12: 26

ps

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: 5/10/17

CONTACT INFORMATION

FIRST AND LAST NAMES: Erin LaRosa

MAILING ADDRESS: 8 Wildwood Dr. Newburyport

PHONE NUMBER: 978-463-0477 or cell (617-510-8139)

E-MAIL ADDRESS: erinleighmoon@yahoo.com

BLOCK PARTY INFORMATION

BLOCK PARTY DATE: 6/30/17

DESIRED STREET CLOSING LOCATION: Pheasant Run Drive (middle section)
Please indicate cross streets when requesting the closing of street sections

STREET TO BE BARRICADED: Pheasant Run Drive

DESIRED STREET CLOSING TIME: 3 p.m. - 10 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: Evan LaRosa Date: 5/10/17

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHALL [Signature]
 4 Green Street

FIRE CHIEF [Signature] 5/8/17
 Greenleaf Street

DEPUTY DIRECTOR [Signature] 5/8/2017
 1 Perry Way

CITY CLERK [Signature]
 60 Pleasant Street

City use only:

Approved _____ Denied _____ Date _____

ps

NEWBURYPORT SPECIAL EVENT APPLICATION

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
FAX

Tel. _____

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

NAME OF EVENT: NEWBURYPORT LION'S CLUB Y.H.C. RACE

Date: AUGUST, 1, 2017 Time: from 8 AM to 8:30 PM

Rain Date: NONE Time: from _____ to _____

2. Location: NEWBURYPORT HIGH SCHOOL & NBPT-STREET'S

3. Description of Property: HIGH SCHOOL GROUND'S Public Private _____

4. Name of Organizer: NEWBURYPORT LION'S CLUB City Sponsored Event: Yes _____ No

Contact Person: JACK KOLMAN

Address: 4 CARLTON DRIVE Telephone: 978-462-3339

E-Mail: _____ Cell Phone: 617-763-5766

Day of Event Contact & Phone: _____

5. Number of Attendees Expected: 3000 THREE THOUSAND

6. MA Tax Number: 51-02-30184

7. Is the Event Being Advertised? YES Where? LION'S WEBSITE-YHC-PUBLICITY

8. What Age Group is the Event Targeted to? ALL AGE GROUP'S.

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 NO Goods NO Total # of Vendors

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

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

Name of Carnival Operator: NA,

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 _____

978-499-0413

If yes:

- a) How many trash receptacles will you be providing? N.H.S. AS MANY AS NEEDED. 12
- b) How many recycling receptacles will you be providing? SEE MOLLY/ETTENBOROUGH 12
- c) Will you be contracting for disposal of: Trash Yes No Recycling Yes No
 - i. If yes, size of dumpster(s): Trash 10 YARD Recycling N.H.S.
 - ii. Name of disposal company: Trash G. MELLO Recycling MOLLY ETTENBOROUGH
 - 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? SEE MOLLY

If no:

- a) # of trash container(s) to be provided by DPS N.H.S. JANITOR'S (12)
- b) # of recycling container(s) to be provided by Recycling Office 12
- 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)

35 Standard # 1 ADA accessible

Name of company providing the portable toilets: DAVE'S

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____ ROAD RACE WALKATHON _____

1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon: NEWBURYPORT LION'S CLUB

2 Name, Address & Daytime Phone Number of Organizer: JONATHAN PEARSON
978-462-4203 - Home
978-376-5378 CELL

3 Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up _____
PAUL KOLMAN
978-462-3339

4. Date of Event: AUGUST 17 Expected Number of Participants: 3000 +

5. Start Time: 6 PM Expected End Time: 8:30 PM

6. Road Race, Parade or Walkathon Route: (List street names & attach map of route): SEE ATT 5+10 K

7. Locations of Water Stops (if any): SEE ATT: 9 WATER STOP'S VARIOUS LOCATIONS

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

9. Formation Location & Time for Participants: NBPT HIGH SCHOOL GROUNDS

10. Dismissal Location & Time for Participants: NBPT High School 8 PM

11. Additional Parade Information:
- Number of Floats: NONE
 - Locations of Viewing Stations: SEE ROAD RACE MAP ATT 1
 - 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 Lt Paszku 5/17/17 0 Greenleaf St.
 DEPUTY DIRECTOR [Signature] 16A Perry Way CITY CLERK [Signature] 60 Pleasant St.

DEPARTMENT APPROVAL (for Committee Member use only):

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

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

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

Limitations

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

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

13-101 Enforcement

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

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

Signed: Paul G. Kolman Date: 5/10/17 #



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

5/17/2017

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

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

| | | | |
|---|--|--|---------------|
| PRODUCER STAR Insurance - Fort Wayne Office 2130 East Dupont Road Fort Wayne IN 46825 | | CONTACT NAME: Margaret Mayers PHONE (A/C, No, Ext): (260) 467-5689 FAX (A/C, No): (260) 467-5691 E-MAIL ADDRESS: margaret.mayers@starfinancial.com | |
| | | INSURER(S) AFFORDING COVERAGE | NAIC # |
| | | INSURER A National Casualty Company | 11991 |
| INSURED Road Runners Club of America/2017 and Its Member Clubs 1501 Lee Highway, Suite 140 Arlington VA 22209 | | INSURER B Nationwide Life Insurance Co. | 66869 |
| | | INSURER C: | |
| | | INSURER D: | |
| | | INSURER E: | |
| | | INSURER F: | |

COVERAGES CERTIFICATE NUMBER: 2017 \$1M A.I. REVISION NUMBER:

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

| INSR LTR | TYPE OF INSURANCE | ADDL SUBR INSD WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|---|---|------------------|-------------------------|-------------------------|--|
| A | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY | | KRO0000006655200 | 12/31/2016 12:01 AM | 12/31/2017 12:01 AM | EACH OCCURRENCE \$ 1,000,000 |
| | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR | | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 |
| | <input checked="" type="checkbox"/> Legal Liability to Participant \$1,000,000 | | | | | MED EXP (Any one person) \$ 5,000 |
| | GEN'L AGGREGATE LIMIT APPLIES PER: | | | | | PERSONAL & ADV INJURY \$ 1,000,000 |
| | <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC | | | | | GENERAL AGGREGATE \$ Unlimited |
| | OTHER: | Abuse & Molestation | | | | PRODUCTS - COMP/OP AGG \$ 1,000,000 |
| | | Aggregate \$5,000,000 | | | | Abuse and Molestation \$ 500,000 |
| A | AUTOMOBILE LIABILITY | | KRO0000006655200 | 12/31/2016 12:01 AM | 12/31/2017 12:01 AM | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 |
| | <input type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS | | | | | BODILY INJURY (Per person) \$ |
| | <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> | | | | | BODILY INJURY (Per accident) \$ |
| | | | | | | PROPERTY DAMAGE (Per accident) \$ |
| | | | | | | \$ |
| | <input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB | <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE | | | | EACH OCCURRENCE \$ |
| | <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$ | | | | | AGGREGATE \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY | <input type="checkbox"/> Y/N <input type="checkbox"/> N/A | | | | PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> |
| | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below | | | | | E.L. EACH ACCIDENT \$ |
| | | | | | | E.L. DISEASE - EA EMPLOYEE \$ |
| | | | | | | E.L. DISEASE - POLICY LIMIT \$ |
| B | Excess Medical & Accident (\$250 Deductible/Claim) | | SPX0000027889600 | 12/31/2016 12:01 AM | 12/31/2017 12:01 AM | Excess Medical \$10,000 AD & Specific Loss \$2,500 |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
 CERTIFICATE HOLDER IS NAMED AS AN ADDITIONAL INSURED AS RESPECTS TO THEIR INTEREST IN THE OPERATIONS OF THE NAMED INSURED. DATE OF EVENT(S): 08/06/17 27th Annual Newburyport High Street Mile INSURED RRCA CLUB/EVENT MEMBER: Winner's Circle Running Club, Att'n: Jane Lemuth; 211 Elm St, Salisbury, MA 01952

| | |
|--|---|
| CERTIFICATE HOLDER 08/06/17 City of Newburyport 60 Pleasant St Newburyport, MA 01950 | CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Terry Diller/LIO <i>Terry R. Diller, CPCU</i> |
|--|---|

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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
05/10/2017

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

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

| PRODUCER DSP Insurance 1900 E. Golf Road, Suite 650 Schaumburg, IL 60173 | CONTACT NAME: John Adams PHONE (A/C, No, Ext): 1-800-316-6705 FAX (A/C, No): 1-888-467-2378 E-MAIL ADDRESS: lionsclubs@dspins.com | | | | | | | | | | | | | |
|--|---|-------------------------------|--------|--|-------|-------------|--|-------------|--|-------------|--|-------------|--|-------------|
| | <table border="1"> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A : ACE American Insurance Company</td> <td>22667</td> </tr> <tr> <td>INSURER B :</td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </table> | INSURER(S) AFFORDING COVERAGE | NAIC # | INSURER A : ACE American Insurance Company | 22667 | INSURER B : | | INSURER C : | | INSURER D : | | INSURER E : | | INSURER F : |
| INSURER(S) AFFORDING COVERAGE | NAIC # | | | | | | | | | | | | | |
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| INSURER C : | | | | | | | | | | | | | | |
| INSURER D : | | | | | | | | | | | | | | |
| INSURER E : | | | | | | | | | | | | | | |
| INSURER F : | | | | | | | | | | | | | | |
| INSURED Newburyport Lions Club 33 N Newburyport Massachusetts | | | | | | | | | | | | | | |

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

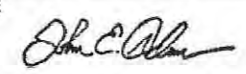
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE 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 INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|--|-----------|----------|---------------|-------------------------|-------------------------|---|
| A | GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Agg. Per Named Insured is \$2,000,000 GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC | | | HDOG27856202 | 09/01/2016 | 09/01/2017 | EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 10,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 |
| A | AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS | | | ISAH09044966 | 09/01/2016 | 09/01/2017 | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ |
| | UMBRELLA LIAB EXCESS LIAB DED RETENTION \$ | | | | | | OCCUR CLAIMS-MADE \$ \$ \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below | | | | | | WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$ |

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

Provisions of the policy apply to the named insureds participation in the following activity during the policy period shown above: Newburyport Lions 10 Mile and 5 K Races, August 1,2017

City of Newburyport is included as an Additional Insured(s), but only with respect to General Liability arising out of the use of premises by the Insured shown above and not out of the sole negligence of said additional insured.
PROVISIONS OF THE POLICY DO NOT APPLY TO THE SALE OR SERVING OF ALCOHOLIC BEVERAGES

| | |
|---|---|
| CERTIFICATE HOLDER City of Newburyport 60 Pleasant Street Newburyport Massachusetts 01950 | CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE  |
|---|---|



CERTIFICATE OF LIABILITY INSURANCE

5 of 8

DATE (MM/DD/YYYY)

05/10/2017

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| | | | |
|---|---|---------------------------------------|--------|
| PRODUCER DSP Insurance 1900 E. Golf Road, Suite 650 Schaumburg, IL 60173 | CONTACT NAME: John Adams | FAX (A/C. No.): 1-888-467-2378 | |
| | PHONE (A/C. No. Ext): 1-800-316-6705 | E-MAIL ADDRESS: lionsclubs@dspins.com | |
| INSURED Newburyport Lions Club 33 N Newburyport Massachusetts | INSURER(S) AFFORDING COVERAGE | | NAIC # |
| | INSURER A: ACE American Insurance Company | | 22667 |
| | INSURER B: | | |
| | INSURER C: | | |
| | INSURER D: | | |
| | INSURER E: | | |
| INSURER F: | | | |

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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| INSR LTR | TYPE OF INSURANCE | ADDL INSR | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|--|-----------|----------|---------------|-------------------------|-------------------------|---|
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| | UMBRELLA LIAB EXCESS LIAB DED RETENTION \$ | | | | | | EACH OCCURRENCE \$ AGGREGATE \$ \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below | | | | | | <input type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$ |
| | | | | | | | |

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

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Newburyport High School , City of Newburyport is included as an Additional Insured(s), but only with respect to General Liability arising out of the use of premises by the Insured shown above and not out of the sole negligence of said additional insured.
PROVISIONS OF THE POLICY DO NOT APPLY TO THE SALE OR SERVING OF ALCOHOLIC BEVERAGES

| | |
|---|--|
| CERTIFICATE HOLDER Newburyport High School 241 High Street Newburyport Massachusetts 01950 | CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. |
| | AUTHORIZED REPRESENTATIVE |

10 of 4

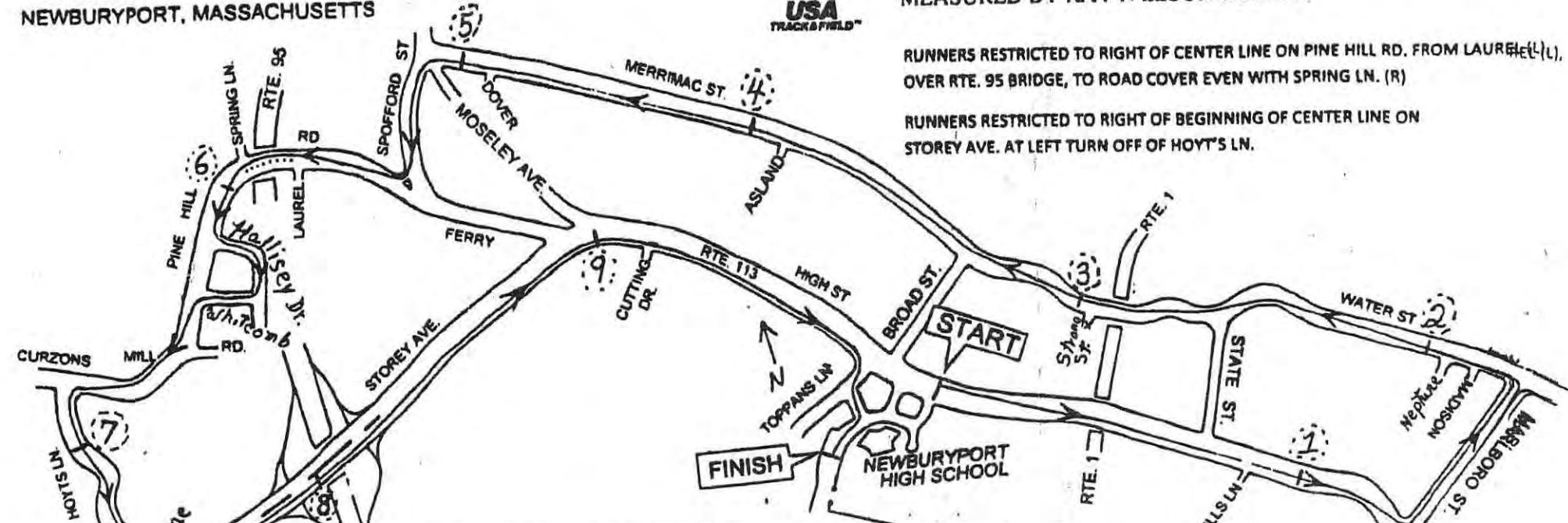
10 Mile Race

Yankee Homecoming 10 Mile Road Race NEWBURYPORT, MASSACHUSETTS

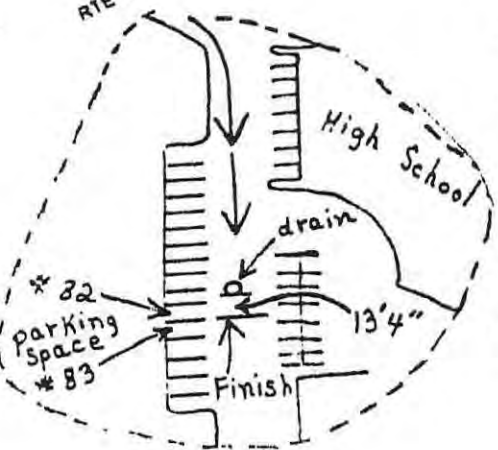


VIEWING LOCATIONS
USATF CERTIFIED COURSE - MA11008RN
EFFECTIVE 8/2/2011 - 12/31/2021
MEASURED BY RAY NELSON 6/20/2011

RUNNERS RESTRICTED TO RIGHT OF CENTER LINE ON PINE HILL RD. FROM LAUREL (L),
OVER RTE. 95 BRIDGE, TO ROAD COVER EVEN WITH SPRING LN. (R)
RUNNERS RESTRICTED TO RIGHT OF BEGINNING OF CENTER LINE ON
STOREY AVE. AT LEFT TURN OFF OF HOYT'S LN.



- 1 - @ 110 yd. after Wills Ln., just before # 80 High St. (L); 6 ft. after the 3rd stone fence post after driveway to #73 High St. (R); 7 ft. after sewer cover (in middle of road); even with curb seam (R)
- 2 - at #196 Water St., 66 yd. after end of Neptune (L); 19.5 ft. after end of storm drain (L); 21 ft. before sewer cover (L); 10 in. after curb seam (L)
- 3 - after Rte. 1 exit, 15 ft. after end of Strong St. (L); in brick driveway to Perry Murphy construction; 15.5 ft. before storm drain (R)
- 4 - 70 yd. after Ashland (L); 30 ft. after Pole 79 (R); 10 ft. before beginning of big window to Mersen; 46 ft. before crosswalk; 6 ft. after end of single driveway immediately after the car repair place (L)
- 5 - just after # 568 Merrimac St. (R); 25 ft. after Pole 51B/80 / 123 (R); 37 ft. before driveway #571 (L)
- 6 - at end of property to # 13 Pine Hill Rd. (R); 23.5 ft. after Pole 12 (L)
- 7 - on Hoyts Ln. 55 ft. after Pole 12 (R)
- 8 - just before the actual bridge (with high fencing) over Rte. 95; 30 ft. after sign for Rte. 95 north, 30 ft. after end of storm drain; 15 ft. before water cover on sidewalk (R)
- 9 - just after Moseley Ave.(L); at beginning of building #361 High St. (Home for Aged Men); 4 ft. after Pole 113



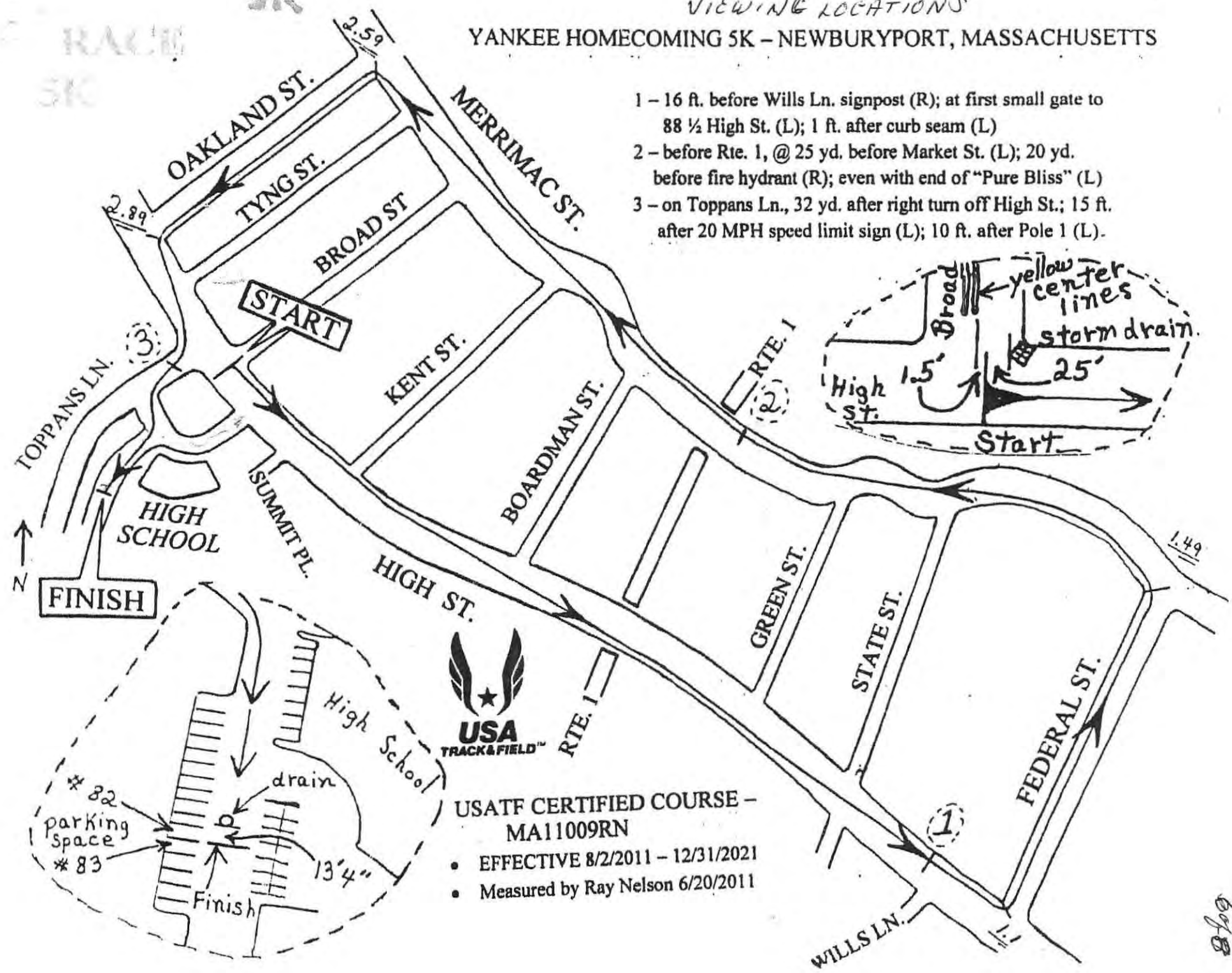
10 of 4

5K

VIEWING LOCATIONS

YANKEE HOMECOMING 5K - NEWBURYPORT, MASSACHUSETTS

- 1 - 16 ft. before Wills Ln. signpost (R); at first small gate to 88 1/2 High St. (L); 1 ft. after curb seam (L)
- 2 - before Rte. 1, @ 25 yd. before Market St. (L); 20 yd. before fire hydrant (R); even with end of "Pure Bliss" (L)
- 3 - on Toppans Ln., 32 yd. after right turn off High St.; 15 ft. after 20 MPH speed limit sign (L); 10 ft. after Pole 1 (L).



USATF CERTIFIED COURSE -
MA11009RN

- EFFECTIVE 8/2/2011 - 12/31/2021
- Measured by Ray Nelson 6/20/2011

Bob

NEWBURYPORT SPECIAL EVENT APPLICATION

Tel. 978-761-5488

Fax.

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

(For Parades, Road Races and Walkathons Only - Please complete page 2 of this application)

2017 MAY 22 PM 3:47

NAME OF EVENT: Slow Bike Race

Date: 8/2/17 Time: from 4:00 pm to 8:00 pm

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

2. Location: Pleasant Street (between Green Street & Titcomb Street)

3. Description of Property: Street & Brown Square Public Private _____

4. Name of Organizer: Coastal Trails Coalition City Sponsored Event: Yes _____ No

Contact Person

Address: PO Box 1016, Newburyport, MA 01950 Telephone: 978-462-2733

E-Mail: michlnort16@gmail.com Cell Phone: 978-761-5488

Day of Event Contact & Phone: Michele L. Norton/#978-761-5488

5. Number of Attendees Expected: 200

6. MA Tax Number: _____

7. Is the Event Being Advertised? Yes _____ Where? Social Media (Facebook), NBPT Chamber, WNBPT

8. What Age Group is the Event Targeted to? All ages (youth-adults)

9. Have You Notified Neighborhood Groups or Abutters? Yes No _____, Who? Residents on Pleasant Street

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

A. Vending: Food _____ Beverages _____ Alcohol _____ Goods _____ Total # of Vendors 0

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

C. Games /Rides: Adult Rides _____ Kiddie Rides _____ Games _____ Raffle _____
Other _____ Total # 0

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? 1
- b) How many recycling receptacles will you be providing? 1
- 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 0
- b) # of recycling container(s) to be provided by Recycling Office 0
- 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)

0 Standard # 0 ADA accessible

Name of company providing the portable toilets: _____

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____ ROAD RACE X WALKATHON _____

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

2. Name, Address & Daytime Phone Number of Organizer: Michele L. Norton
PO Box 1016
Newburyport, MA 01950
#978-761-5488

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up Michele L. Norton
PO Box 1016
Newburyport, MA 01950
#978-761-5488

4. Date of Event: 8/2/17 Expected Number of Participants: 200

5. Start Time: 4:00 pm Expected End Time: 8:00 pm

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

7. Locations of Water Stops (if any): N/A

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

9. Formation Location & Time for Participants: Pleasant Street (Between Green Street & Titcomb Street)

10. Dismissal Location & Time for Participants: Pleasant Street (Between Green Street & Titcomb Street)

11. Additional Parade Information: N/A
- Number of Floats: _____
 - Locations of Viewing Stations: _____
 - Are Weapons Being Carried: Yes _____ No _____
 - Are Marshalls Being Assigned to Keep Parade Moving: Yes _____ No _____

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

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

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

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

Limitations

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

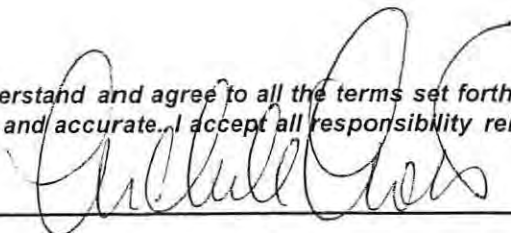
- (e) *"Road Closure"* No ways, public or private, boat ramps or parking lots controlled or patrolled by the city shall be closed without authorization. Authorization shall be considered granted only if said closure(s) are contained in the approved permit. It is the sole responsibility of the race organizers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

13-101 Enforcement

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

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

Signed: _____



Date: 5/22/17



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
5/10/2017

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

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| | |
|--|---|
| PRODUCER Eastern Insurance Group LLC 233 West Central St Natick MA 01760 | CONTACT NAME: Select |
| | PHONE (A/C, No, Ext): (800) 333-7234 FAX (A/C, No): |
| INSURED Coastal Trails Coalition Inc PO Box 1016 Newburyport MA 01950 | E-MAIL ADDRESS: |
| INSURER(S) AFFORDING COVERAGE | |
| INSURER A: Mt Vernon Fire Insurance | NAIC # |
| INSURER B: | |
| INSURER C: | |
| INSURER D: | |
| INSURER E: | |
| INSURER F: | |

COVERAGES **CERTIFICATE NUMBER:** 17 Event GL **REVISION NUMBER:**

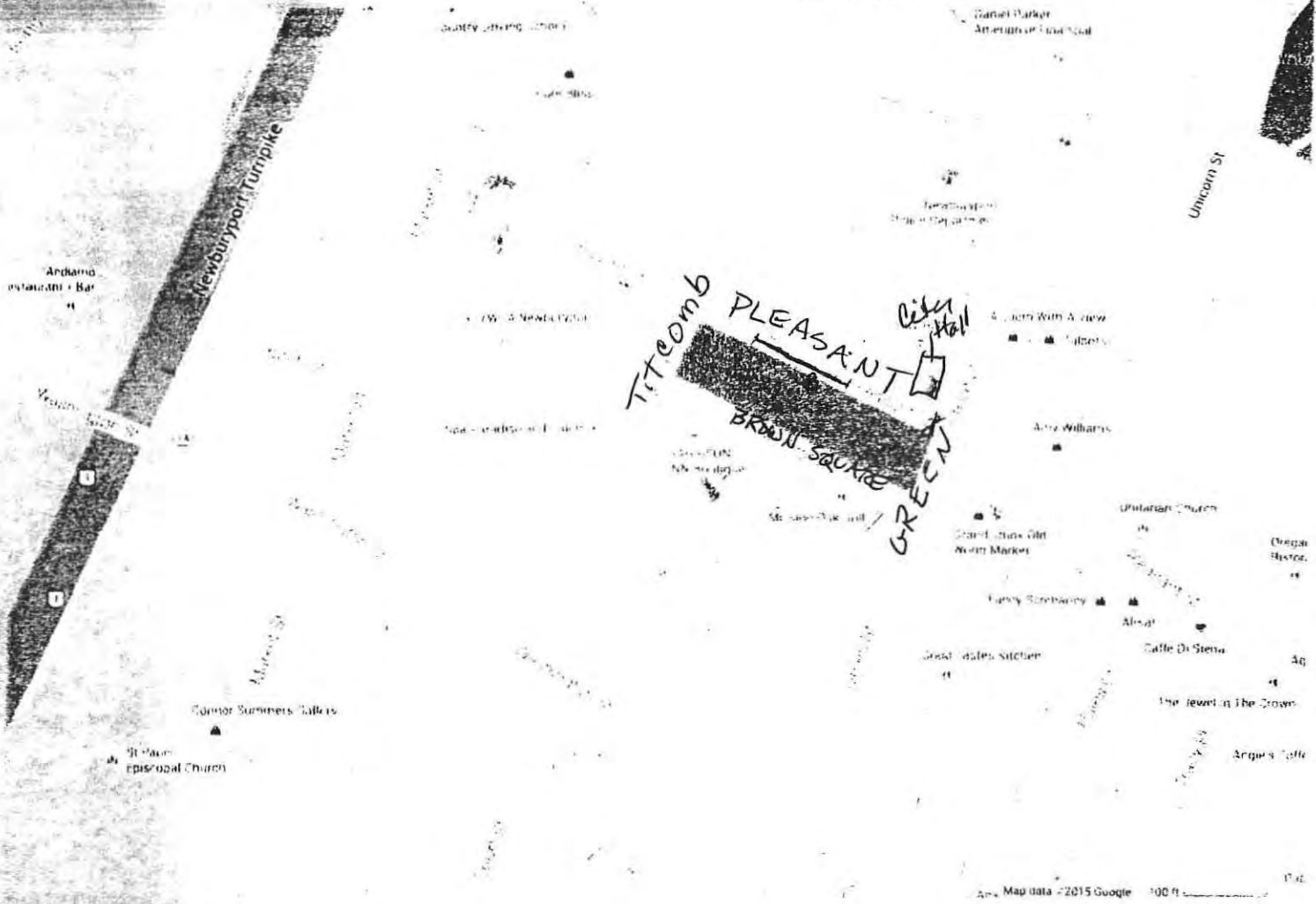
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE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

| INSR LTR | TYPE OF INSURANCE | ADDL INSD | SUBR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS |
|----------|---|-----------|----------|---------------|-------------------------|-------------------------|--|
| A | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY | | | CL2712704 | 8/2/2017 | 8/3/2017 | EACH OCCURRENCE \$ 1,000,000 |
| | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR | | | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 |
| | GEN'L AGGREGATE LIMIT APPLIES PER: | | | | | | MED EXP (Any one person) \$ 1,000 |
| | <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | | | | | | PERSONAL & ADV INJURY \$ 1,000,000 |
| | OTHER: | | | | | | GENERAL AGGREGATE \$ 2,000,000 |
| | AUTOMOBILE LIABILITY | | | | | | PRODUCTS - COMP/OP AGG \$ |
| | <input type="checkbox"/> ANY AUTO | | | | | | Employee Benefits \$ |
| | <input type="checkbox"/> ALL OWNED AUTOS | | | | | | COMBINED SINGLE LIMIT (Ea accident) \$ |
| | <input type="checkbox"/> HIRED AUTOS | | | | | | BODILY INJURY (Per person) \$ |
| | <input type="checkbox"/> SCHEDULED AUTOS | | | | | | BODILY INJURY (Per accident) \$ |
| | <input type="checkbox"/> NON-OWNED AUTOS | | | | | | PROPERTY DAMAGE (Per accident) \$ |
| | <input type="checkbox"/> HIRED AUTOS | | | | | | \$ |
| | UMBRELLA LIAB | | | | | | EACH OCCURRENCE \$ |
| | <input type="checkbox"/> OCCUR | | | | | | AGGREGATE \$ |
| | EXCESS LIAB | | | | | | \$ |
| | <input type="checkbox"/> CLAIMS-MADE | | | | | | \$ |
| | DED | | | | | | \$ |
| | RETENTION \$ | | | | | | \$ |
| | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY | | | | | | PER STATUTE |
| | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) | | | | | | OTH-ER |
| | If yes, describe under DESCRIPTION OF OPERATIONS below | | | | | | E.L. EACH ACCIDENT \$ |
| | | | | | | | E.L. DISEASE - EA EMPLOYEE \$ |
| | | | | | | | E.L. DISEASE - POLICY LIMIT \$ |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Certificate Holder is Additional Insured in respect to General Liability

| | |
|---|--|
| CERTIFICATE HOLDER City of Newburyport 60 Pleasant Street Newburyport, MA 01950 | CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE John Koegel/SCAMPB  |
|---|--|

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Slow Bike Race

Aug 2 2018 4:30pm to 8:00pm

— Route of race

x Road closure

B Bullhorn

CITY OF NEWBURYPORT



 IN CITY COUNCIL

ORDERED:

May 30, 2017

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 13-181 Parking Lots

Pursuant to Code Section 13-166 the City Council hereby amends Sec. 13-181 Parking Lots as follows:

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.

- (1) Tracey Place Lot.
- (2) State Street Lot.
- (3) Central Business District Lot.
- (4) Newburyport Redevelopment Authority East Lot.
- (5) Newburyport Redevelopment Authority West Lot.
- (6) Waterfront Trust Lot.
- (7) Hales Court Lot

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

In order to facilitate turn-over of parking spaces, no person shall park a vehicle for a period of time longer than three (3) consecutive hours 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:

- (1) State Street Lot.
- (2) Central Business District Lot.

~~(3) Waterfront Trust Lot~~

(4) Hales Court Lot

A person whose vehicle remains in one of the above-listed lots beyond the three (3) consecutive hour time limit will be subject to fines for violation of this section, even if payment is made for additional time.

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

In the case of a declared snow emergency, vehicles may remain in any lot described in subsection (a) above for the duration of the snow emergency and for ~~twenty-four (24) hours~~ twelve hours (12) after the declaration of the end of the snow emergency without paying a parking fee. At the end of the declared snow emergency, any vehicle entering a paid parking lot without a paid parking permit shall pay the required parking fee.

Councillor Robert J. Cronin

PS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 22, 2017

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 Handicap Parking

Pursuant to Code Section 13-166 the City Council hereby amends Sec. 13-179 Handicap Parking as follows:

Amend existing Section (a) 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:

Summit Place:

One space on the southerly side from a point 437 feet east of Toppans Lane to a point 457 feet east of Toppans Lane.

Councillor Robert J. Cronin

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CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 30, 2017

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 striken through~~, and additions double-underlined:

Parsons Street

One (1) space at 13 Parsons Street through June 30, 2019.

Councillor Jared J. Eigerman