

**CITY COUNCIL MEETING AGENDA - VERSION 1**  
**CITY COUNCIL CHAMBERS**  
**JUNE 26, 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**

June 12, 2017

(Approve)

**8. TRANSFERS**

- **TRAN037\_06\_26\_17** Hwy Sal Labor \$40K, Hwy Sal Facilities Maint \$7K to Hwy Streetlight Electricity \$47K (B&F)
- **TRAN038\_06\_26\_17** School Expenses \$42K to School Lunch \$42K (B&F)
- **TRAN039\_06\_26\_17** FY18 Gen Budget Conting \$20,876 to Pol Sal Officers \$20,876 (B&F)

**9. COMMUNICATIONS**

- **COMM078\_06\_26\_17** Ltr from Stephen B. Comley, Sr. re: Nuclear Safety (R&F)
- **COMM079\_06\_26\_17** A-Frames - Greetings by Design (L&P)
- **COMM080\_06\_26\_17** Ltr re: Dedication of Public Space to Recognize Citizens (N&CS)
- **COMM081\_06\_26\_17** Fill the Boot for Muscular Dystrophy Assoc. - 8/3-5, 2017 (PS)
- **COMM082\_06\_26\_17** Bed Race - 8/3/2017 (PS)

**10. APPOINTMENTS**

**Re-Appointments**

- **APPT048\_06\_26\_17** Kimberley Logue 18 Woodman Way #3 Housing Authority 5/1/2022

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

**11. MAYOR'S UPDATE**

## 12. APPOINTMENTS

### Second Reading Re-Appointments

- |                    |                    |                 |                   |          |
|--------------------|--------------------|-----------------|-------------------|----------|
| • APPT044_05_30_17 | Madeline Nash      | 19 Arlington St | Aff Housing Trust | 5/1/2018 |
| • 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 |

## 13. ORDERS

- **ORDR039\_06\_26\_17** New England Paving, LLC, Lic Contractor
- **ORDR040\_06\_26\_17** Tim Zanelli Excavating, LLC, Lic Contractor
- **ORDR041\_06\_26\_17** CPC FY2018 Recommended Appropriations

## 14. ORDINANCES

- **ODNC011\_05\_31\_16** Amend Transient Vendors for Cashman (**2<sup>nd</sup> READING**)
- **ODNC003\_04\_10\_17** Zoning Amendment - Hardship for Variances (**2<sup>nd</sup> READING**)
- **ODNC004\_04\_10\_17** Zoning Amendment - Zoning Administrator (**2<sup>nd</sup> READING**)
- **ODNC006\_05\_30\_17** Amend Sec. 3-2 Disposal of Animal Waste (**2<sup>nd</sup> READING**)
- **ODNC008\_06\_26\_17** Zoning Amendment – Bed & Breakfast Use (V-D, V-E)
- **ODNC009\_06\_26\_17** Zoning Amendment – Ag/Con District, Lot Area/Lot Cov
- **ODNC010\_06\_26\_17** Zoning Amendment – Zoning Map, R-2, Dimensional Controls
- **ODNC011\_06\_26\_17** Zoning Amendment – Inclusionary Affordable Housing

## 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
- **TRAN022\_04\_24\_17** PI Utility Fund \$1.9M to PI Hydrant Replacement \$1.9M (**PU**)
- **COMM064\_05\_30\_17** City Clerk Contract – 3 year
- **ORDR028\_05\_30\_17** Gift Acceptance – Sunscreen Dispenser
- **TRAN035\_06\_12\_17** Swr Retained Earnings \$675K to FY18 Budget Rsrv \$675K (**PU**)
- **TRAN036\_06\_12\_17** Wtr Retained Earnings \$300K to Meter Replace Proj \$100K Water Main Replace Proj \$200K (**PU**)
- **ORDR031\_06\_12\_17** FY2018 Revolving Fund Order (**COTW**)
- **ORDR032\_06\_12\_17** Nock Parking Lot Order

### 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
- **COMM071\_06\_12\_17** A-Frames - Firehouse Center for the Arts
- **COMM072\_06\_12\_17** Table in Market Square - Exchange Club - 8/19, 8/26
- **COMM074\_06\_12\_17** A-Frames - Harbor Creamery

## **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**)
- **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**)
- **COMM069\_06\_12\_17** Air Quality Analysis of Intermodal Facility
- **ODNC007\_06\_12\_17** Zoning Amendment - I2 Zone Change

## **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
- **COMM075\_06\_12\_17** Block Party - Dove Street - 8/5

- **ORDR033\_06\_12\_17** Stop Sign at Plummer Ave
- **ORDR034\_06\_12\_17** Handicapped Parking Space – 40 Market 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**)
- **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 Water Main Replace Proj \$200K (**B&F**)
- **ORDR037\_06\_12\_17** Contractor Application - Northern Drill Services
- **ORDR038\_06\_12\_17** Contractor Application - Brennan Construction, Inc.

#### **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**  
**JUNE 12, 2017**

**7:30PM**

The City Council President called the meeting to order at 7:41pm. A moment of silence was held for first responders around the world. 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: Cronin, Devlin, Earls, Eigerman, Giunta, Tontar, Vogel, Zeid, Cameron, Connell, OBrien. 11 present, 0 absent.

**(Sound Check)**

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE ITEMS Mayor's Update, COMM073EP\_06\_12\_17, COMM076EP\_06\_12\_17, ORDR036EP\_06\_12\_17, ODNC006\_05\_30\_17, COMM068\_05\_30\_17**  
Motion to waive the rules, to allow late files, by Councillor Cameron, seconded by Councillor Zeid. So voted.
- 5. PUBLIC COMMENT**

1. Steve Dinunzio	13 Summer St	Transient Vendors
2. Jim Roy	4 Fruit St	Garage
3. Pam Ketchum	15 Washington St #2	Garage
- 6. MAYOR'S COMMENT**

The mayor presented a resolution on climate change, stating that the City would honor the Paris Climate Accord. She was joined by representatives from the Newburyport Energy Advisory Committee, Clean Tech Center, Eco Collaborative, Storm Surge, Union of Concerned Scientists, Nock Middle School, Newburyport High School, Joppa Flats Education Center, Transition Newburyport, Hall and Moskow, Friends of Newburyport Trees, First Religious Society Church, and Gulf of Maine Institute.

**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, PU)
  - **TRAN036\_06\_12\_17** Wtr Retained Earnings \$300K to Meter Replace Proj \$100K (B&F, PU)  
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

- |                           |                    |                 |                   |          |
|---------------------------|--------------------|-----------------|-------------------|----------|
| • <b>APPT044_06_12_17</b> | Madeline Nash      | 19 Arlington St | Aff Housing Trust | 5/1/2018 |
| • <b>APPT045_06_12_17</b> | William K. Todd    | 8 Foster Ct     | Historical Comm   | 7/1/2020 |
| • <b>APPT046_06_12_17</b> | Richard A. Eaton   | 4 Horton St     | Trust Fund Comm   | 7/1/2020 |
| • <b>APPT047_06_12_17</b> | Richard J. O'Brien | 41 Olive St     | Trust Fund Comm   | 7/1/2020 |

Councillor Connell removed APPT045\_06\_12\_17, the mayor consented.

## END OF CONSENT AGENDA REGULAR AGENDA

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

## 11. MAYOR'S UPDATE – there was no Mayor's update

## 12. COMMUNICATIONS

- **COMM073EP\_06\_12\_17 LATE FILE** Emergency Preamble  
Motion to approve by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 11 yes.  
Motion passed.
- **COMM073\_06\_12\_17** Table in Market Square - Alzheimer's Association - 6/21  
Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **COMM076EP\_06\_12\_17 LATE FILE** Emergency Preamble  
Motion to approve by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 11 yes.  
Motion passed.
- **COMM076\_06\_12\_17** Block Party - Tyng Street - 6/23  
Motion to approve by Councillor Vogel, seconded by Councillor Tontar. So voted.

## 13. APPOINTMENTS

### Second Reading Re-Appointments

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

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

#### 14. ORDERS

- **ORDR031\_06\_12\_17** FY2018 Revolving Fund Order  
Motion to refer to Budget & Finance and Committee of the Whole by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ORDR032\_06\_12\_17** Nock Parking Lot Order  
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **ORDR033\_06\_12\_17** Stop Sign at Plummer Ave  
Motion to refer to Public Safety by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **ORDR034\_06\_12\_17** Handicapped Parking Space – 40 Market Street  
Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Cameron. So voted.
- **ORDR035\_06\_12\_17** Budget Order FY 2018  
Motion to waive the rules, to take up ORDR035\_06\_12\_17 and COMM051\_05\_08\_17 in the Order section of the agenda, by Councillor Tontar, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion passed. Motion to approve by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion passed.
- **ORDR036EP\_06\_12\_17 LATE FILE** Emergency Preamble  
Motion to approve by Councillor Cronin, seconded by Councillor Cameron. So voted.
- **ORDR036\_06\_12\_17** Resolution Gay Pride Month  
Motion to approve by Councillor Cronin, seconded by Councillor Cameron. So voted.
- **ORDR037\_06\_12\_17** Contractor Application - Northern Drill Services  
Motion to remove ORDR037\_06\_12\_17 and ORDR038\_06\_12\_17 jointly by Councillor Eigerman, seconded by Councillor Cameron. So voted. Motion to refer to Public Utilities by Councillor Eigerman, seconded by Councillor Cameron.
- **ORDR038\_06\_12\_17** Contractor Application - Brennan Construction, Inc.

#### 15. ORDINANCES

- **ODNC011\_05\_31\_16** Amend Transient Vendors for Cashman (**FIRST READING**)  
Motion to amend, to add an effective date of January 1, 2018 in the title, by Councillor Eigerman, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion passed. Motion to amend Section 9-114(a), to increase from three to four full-season licenses and to increase from one to two artisan licenses, by Councillor Earls, seconded by Councillor Eigerman. Roll call vote, 11 yes. Motion passed. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 yes.
- **ODNC015\_08\_29\_16** 25 MPH Speed Zones (**SECOND READING**)  
Motion to approve by Councillor Cronin, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 no (Connell). Motion passed.
- **ODNC007\_06\_12\_17** Zoning Amendment - I2 Zone Change  
Motion to refer to Planning & Development by Councillor Tontar, seconded by Councillor Giunta. 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
- **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  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to receive and file by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **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  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **COMM051\_05\_08\_17** FY2018 Proposed Budget (**COTW**)
- **TRAN029\_05\_30\_17** BDR Elections & Reg \$1K to CLK Admin \$1K  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **TRAN030\_05\_30\_17** Solid Waste Fee \$24,723.22 to Household Haz Waste \$12K, Sal Recycle Mgr \$12,723.22  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **TRAN031\_05\_30\_17** Lib Sal Staff \$10K to Lib Maint Equip \$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 Cameron. So voted.
- **TRAN032\_05\_30\_17** Free Cash \$233,603.67 to Snow & Ice Labor \$41,201.75, Snow & Ice Expenses \$192,401.92  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **TRAN033\_05\_30\_17** Free Cash \$25K to LGL City Solicitor \$25K  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **TRAN034\_05\_30\_17** Free Cash \$70K to Fire Overtime \$70K  
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **COMM064\_05\_30\_17** City Clerk Contract – 3 year
- **ORDR027\_05\_30\_17** Loan Order – Intermodal Parking Facility Land Acquisition (**COTW**)  
Motion to amend, to add phrasing “on the terms and conditions of the purchase and sale agreement as revised by email dated June 8, 2017 and time stamped 3:16pm, to Attorney Jonathan D. Eichman, a copy of which is on file with the City Clerk, as confidential work product,” by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 9 yes, 2 recused (Cronin, Vogel). Motion passed. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Connell. Roll call vote, 9 yes, 2 recused (Cronin, Vogel). Motion passed.
- **ORDR028\_05\_30\_17** Gift Acceptance – Sunscreen Dispenser
- **ORDR029\_05\_30\_17** Grant Acceptance – Tower Foundation

- **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  
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Zeid. Motion to approve by Councillor Connell, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.
- **ODNC004\_04\_10\_17** Zoning Amendment - Zoning Administrator  
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Cameron, seconded by Councillor Zeid. Motion to amend, to add “from January 1, 2018, through December 31, 2018” and increase from 1-year terms to two in Section X-B, to replace “him” with “them” in Section X-C(4), to strike “...in his reasonable discretion. It is the intent of the city council that...” from Section X-H.5(C), to replace “triplicate” with “quadruplicate” in Section XI-J, to replace “SPCA” with “the building commissioner” in Section XXVII-G, and add “...such as Robert C. Mack and John P. Speweik, Preservation Brief 2, Repointing Mortar Joints in Historic Masonry Buildings” in the same, by Councillor Eigerman, seconded by Councillor Cameron. So voted. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion passed.

## 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  
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Giunta. So voted.
- **COMM062\_05\_30\_17** Lion’s Club Yankee Homecoming Road Race – 8/1/2017  
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Tontar. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Connell. So voted.
- **COMM063\_05\_30\_17** Slow Bike Race – 8/2/17  
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Giunta. So voted.
- **ORDR025\_05\_30\_17** Parking – Hales Court Lot  
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Cameron. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Cameron. So voted.
- **ORDR026\_05\_30\_17** Handicapped Parking Space – Summit Place  
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Giunta. So voted.
- **ORDR030\_05\_30\_17** Handicapped Parking Space - 13 Parsons Street  
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Giunta. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Giunta. 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 \$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**

Councillor Zeid made remarks about odor control. Councillor Tontar thanks Paul O'Brien and Andy Port for the assistance in coordinating a conference call during the previous week.

**17. ADJOURNMENT**

Motion to adjourn by Councillor Zeid, seconded by Councillor Tontar. So voted. 10:15pm.

**TRANSFERS**



# City of Newburyport

## FY 2017

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

### BUDGET TRANSFER REQUEST

JUN 20 PM 3:27

**Department:** Department of Public Services

**Submitted by:** Anthony J. Furnari, Director

**Date Submitted:** 6/26/2017

**Transfer From:**

Account Name	HWY SAL LABOR	YTD Bal:	\$ 78,122.24
Account Number:	01421001-51158	Category:	\$ 146,506.61
Amount:	\$40,000.00	Trans I/O:	
Why are Funds Available:	<i>Staff changes and vacancies throughout the year.</i>		

**Transfer From:**

Account Name	HWY SAL FACILITIES MAINT	YTD Bal:	\$ 28,201.98
Account Number:	01421001 51150	Category:	\$ 146,506.61
Amount:	\$7,000.00	Trans I/O:	
Why are Funds Available:	<i>Staff changes and vacancies throughout the year.</i>		

**Transfer To:**

Account Name	HWY STREETLIGHT ELECTRICITY	YTD Bal:	\$ (41,438.59)
Account Number:	01421002-52103	Category:	\$ 78,518.43
Amount:	\$47,000.00	Trans I/O:	
Why are Funds Required:	<i>Due to the delay in the anticipated changeover to LED streetlights, which will result in a lower rate tariff. Funding for the changeover was recently approved and the project is expected to be completed during summer 2017 at which point the streetlights will be moved to the lower LED tariff.</i>		

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

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

Date:

Date:

*6/20/17*

*6/20/17*



# City of Newburyport

## FY 2017

### BUDGET TRANSFER REQUEST

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

JUN 20 AM 11:56

**Department:** Newburyport Public Schools

**Submitted by:** Susan Viccaro, Superintendent

**Date Submitted:** 6/26/2017

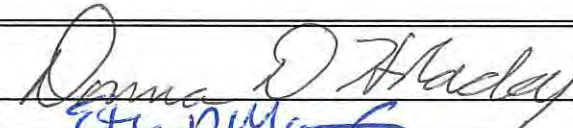
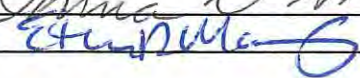
**Transfer From:**

Account Name	<u>SCH SCHOOL EXPENSES</u>	YTD Bal:	<u>\$ 5,105,261.70</u>
Account Number:	<u>01421001-51158</u>	Category:	<u>\$ 5,105,261.70</u>
Amount:	<u>\$42,000.00</u>	Trans I/O:	<u></u>
Why are Funds Available:	<u>The FY2017 school budget included a school lunch contingency to be transferred to the School Lunch Revolving Fund if needed. All interfund transfers are subject to approval of the Mayor and City Council.</u>		

**Transfer From:**

Account Name	<u>SCHOOL LUNCH</u>	YTD Bal:	<u>\$ 23,796.86</u>
Account Number:	<u>022-49700</u>	Category:	<u></u>
Amount:	<u>\$42,000.00</u>	Trans I/O:	<u></u>
Why are Funds Available:	<u>The transfer has been done in recent years to cover shortfalls within the food service budget, driven by the tighter restrictions in place for school lunch programs. The regulations have eased since the initial implementation which should reduce the financial burden in future years.</u>		

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

Date: 6/20/17  
Date: 6/20/17



# City of Newburyport

## FY 2018

# BUDGET TRANSFER REQUEST

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

JUN 20 AM 11:56

**Department:** Mayor's Office

**Submitted by:** Donna D. Holaday, Mayor      **Date Submitted:** 6/26/2017

**Transfer From:**

Account Name	<u>GEN BUDGET CONTINGENCY</u>	YTD Bal:	<u>\$ 86,212.00</u>
Account Number:	<u>01129007-57805</u>	Category:	<u>\$ 257,008.59</u>
Amount:	<u>\$20,876.00</u>	Trans I/O:	<u></u>
Why are Funds Available:	<u>A contingency was budgeted for expiring collective bargaining agreements as of June 30, 2017.</u>		

**Transfer To:**

Account Name	<u>POL SAL OFFICERS</u>	YTD Bal:	<u>\$ 2,177,487.22</u>
Account Number:	<u>01210001-51142</u>	Category:	<u>\$ 3,256,523.41</u>
Amount:	<u>\$20,876.00</u>	Trans I/O:	<u></u>
Why are Funds Required:	<u>To fund the recently settled collective bargaining agreement for the New England Police Benevolent Association Local 31 Superior Officers Union (SOU). See attached.</u>		

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

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

Date: 6/20/17  
Date: 6/20/17



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY

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

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: June 20, 2017  
Re: Police Superiors Contract – Tentative Agreement

The following is a summary of the agreement that has been reached in principle for FY18-FY20 with the Police Superiors bargaining unit, New England PBA Local 31. The City has agreed to the terms contained herein subject to the appropriation by the City Council. Local 31 voted to ratify the terms of this agreement on June 19, 2017.

**ARTICLE 8 - Job Posting / Seniority**

Language shall be modified to state the following: "Seniority shall be determined by the date of promotion to the rank of a Superior Officer (time-in-grade). Seniority within the same rank of Superior Officer for individuals promoted on the same date shall be determined by the highest promotional exam grade, or highest-ranked score on an assessment center test administered by the City. In the event of a tie score, seniority shall be determined by the length of continuous full-time service as a police officer within the Newburyport Police Department."

**ARTICLE 11 - Holidays**

Section 1: Addition of Police Memorial Day (May 15) as a paid holiday. Police Memorial Day is an annual memorial where each year police officers killed in the line of duty are honored and remembered.

**ARTICLE 12 – Miscellaneous Privileges**

Section 5: Keep language regarding annual performance evaluation. Strike last two sentences starting with "Effective July 1, 2014", as it relates to past practice with evaluation stipend that was eliminated in FY15.

Section 7: Strike entire section about community policing and volunteerism.

**ARTICLE 14 – Wages**

Section 2: The City shall include education incentive in calculation of night differentials (5% for second shift and 7% for third shift) including for occasional assignments on these shifts.



Section 3: Increase of wages according to the following schedule:

	BASE	COLA
FY18	2.00%	2.00%
FY19	2.50%	2.00%
FY20	2.50%	2.00%

<b>Sergeant</b>			<b>FY18</b>	<b>FY19</b>	<b>FY20</b>
		<b>Current</b>			
Base		\$68,125	\$70,877	\$74,102	\$77,473
Associate	10%	\$74,937	\$77,965	\$81,512	\$85,221
Bachelor	20%	\$81,750	\$85,052	\$88,922	\$92,968
Master/JD	25%	\$85,156	\$88,596	\$92,627	\$96,842
<b>Lieutenant</b>					
Base		\$76,981	\$81,509	\$85,217	\$89,095
Associate	10%	\$84,679	\$89,659	\$93,739	\$98,004
Bachelor	20%	\$92,377	\$97,810	\$102,261	\$106,913
Master/JD	25%	\$96,226	\$101,886	\$106,521	\$111,368

Section 4: Add Mandatory Direct Deposit language.

**ARTICLE 16 – Clothing Allowance**

Effective July 1, 2017, all police officers covered by this agreement will be granted a clothing allowance of \$1,600 annually, \$1,000 on the second pay period of July, and \$600 upon submission of receipts.

**ARTICLE 20 – Sick Leave**

Sick leave buyback has been eliminated for all new hires and will only remain in effect for employees hired prior to July 1, 2017.

Section 4: Add, at beginning of first sentence “, “For employees hired prior to July 1, 2017”.

Section 5: Add, after first sentence at start of second sentence, “For employees hired prior to July 1, 2017”.

**ARTICLE 21 – Bereavement Leave**

Add Aunt, Uncle, Brother-in-Law, Sister-in-Law, and non-family member with permission from the Marshal.

**ARTICLE 25 – Accreditation Stipend**

Increase of stipend according to the following schedule:

Accreditation Stipend	
Current	2.0%
FY18	3.0%
FY19	4.0%
FY20	5.0%

# COMMUNICATIONS

City of Newburyport-City Hall  
60 Pleasant Street  
Newburyport MA 01950  
City Councilors  
Attention: Chairman: Thomas F. O'Brien

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 JUN 20 PM 1:56

Dear Chairman O'Brien,

I am the founder of We The (WTP) People a National Whistleblower Protection Non-Profit Organization formed in 1987 to provide the public accurate information about nuclear safety issues. I would like to be put on your next agenda concerning issues of Nuclear Safety with respect to the Seabrook Nuclear Plant. WTP believes Newburyport citizens should not support the planned relicensing of the Seabrook Nuclear Plant now owned by NEXTERA ENERGY, formally owned by Florida Power & Light beyond the design or expansion of existing nuclear power plants in our state until we are certain there is an adequate regulatory safety net to guarantee their protection.

Complaints from nuclear industry & Nuclear Regulatory (NRC) Commission informants received by our organization, WTP, during the past two decades provide compelling evidence that industry oversight by the NRC does not offer the public sufficient safeguards against dire harm from nuclear accidents. The NRC has failed to develop effective evacuation plans to protect vulnerable residents in New Hampshire, Massachusetts and throughout the U.S., including our elders or ill persons including children who cannot be moved quickly in private or public schools like Ipswich and Triton Regional High School. Some such plans in place now were prescribed by the Former NRC Executive Director, Victor Stello who in a letter to me assumed these valuable members (Enclosure A) of our communities are in fact expendable when he suggested they be left behind in the event of a nuclear disaster at Seabrook Station. These citizens are to be administered Potassium Iodide (KI) to drink by the care givers in our family owned Extended Health Care Facility in Rowley who would volunteer to stay in the wake of a nuclear disaster in order to reduce the harmful effects of radiation exposure. Recent experiences from the Fukushima Nuclear disaster in Japan effecting a 50 mile evacuation confirms the danger posed by unsafe installations.

The NRC has also failed to fully investigate the presence of Counterfeit & or Substandard Nuclear Parts in most if not all U.S. Nuclear Plants including Seabrook Station. This information was first brought to light by WTP & 2 years later confirmed by the U.S. Government Accounting (GAO) Office in an October 1990 Report (Enclosure B) entitled, " Nuclear Safety and Health: Counterfeit Substandard Products are a Government Wide Concern." As far as we know, the NRC has only inspected 6 of the more than 70 plants named in the GAO Report. The remainder have been relinquished to the oversight of the plants themselves. More bogus parts have also been subject of recent NRC notices which did not require any inspections or other corrective actions by the Plant owners. Finally the NRC has failed to plan for the safe disposal of hazardous nuclear wastes & has recently agreed with industry demand to cut costs by reducing the standards for many components (Enclosure C) of new & existing plants.

Page 2 of We The Peoples June 19, 2017 letter to Newburyport City Councilors.

Because of this failed NRC oversight, WTP is continuing its efforts to educate the public about the serious risks associated with the construction of more Nuclear Power Plants by offering testimony at public meetings & circulating a Nation Wide Petition asking President Trump, Vice President Pence, Speaker Ryan & Congress to investigate the NRC's track record, integrity & independence. The petition (Enclosure D) asks for an investigation by a Bi-Partisan Commission, similar to the 911 Commission, regarding how effectively the NRC is doing its job, before we have a catastrophic nuclear disaster like Fukushima, Chernobyl or Three Mile Island which was a cover-up by the highest officials in Washington.

WTP will continue to ask endorsements from elected leaders in towns/cities within & outside the 10 mile radius of Seabrook Station. WTP has already received the endorsements from the Town of Georgetown Selectmen, MA Minority Leader of the Senate, Bruce Tarr, MA Assistant Minority Leader of the House of Representatives, Bradford Hill & Essex County Sherriff, Frank G. Cousins, Jr. for the NRC to hold a hearing for all First Responders within and outside the radius of Seabrook Station. This hearing will give all first responders the opportunity to testify whether they believe the Seabrook Nuclear Plants Evacuation Plan can be effectively implemented in a safely & timely matter 365 days a year including the summer months.

WTP asks the Newburyport City Councilors to review the packet of documents and other information WTP provided, including three (Enclosures E # 1-3.) DVD Tapes. 1. CNN's year & half investigation of WTP's work shown on EARTH MATTERS entitled, "INSIDE THE NUCLEAR REGULATORY COMMISSION: INTIMIDATION OR REGULATION?" 2. Copy of the DVD sent by an informant to WTP about a CEO conference held for Nuclear Plant Control Room Operators entitled, "CONTROL ROOM." The discussions centered on how many accidents or near misses had occurred during operations at U.S. Nuclear Plants. 3. DVD showing traffic at a virtual standstill along Federal Highways 95, Rt. 1, IA & other roads in the proximity of the Seabrook Nuclear Plant & MA/NH beaches.

I understand the MA Attorney General, Maura Healey has many officers under her control but the only office that can challenge a Federal Agency like the NRC is her office of Public Integrity Division ("PID") of the Attorney General. We The People & AJ Paglia, Chief of Staff, office of the Senate Minority Leader, Bruce Tarr, sent a recent MEMO (enclosure F1) January 9, 2017 to the PID office. Previously, Mr. Paglia sent a MEMO to the PID (enclosure F2) during Attorney General Coakley's term in office. To Sen. Tarr's & WTP's disappointment, our documentation was forwarded to (Enclosure G) the office of Environmental (EPD) Protection Division which has not authority over the NRC.

It is up to us to challenge a Federal agency like the NRC's when polices endanger us & our fellow citizens in order to uphold & protect our democratic process. As guardians of Newburyport citizens' public safety after your inspection & evaluation of WTP's Whistleblowers concerns, we are asking you to vote & sign WTP's National Petition. In addition WTP is asking the City Councilors to join other elected leaders like Senator Bruce Tarr, Representative Bradford Hill & Former Essex County Sheriff, Frank Cousins (copies of their letters Enclosure H) in endorsing WTP's call by writing to the NRC requesting a hearing. This hearing will provide a voice to MA State Police & NH National Guard who have been silenced by GAG orders since the administrations of Former Governor Dukakis & Governor Sununu. By the Councilors joining other elected officials in the endorsement of We The People's call for this NRC hearing will enable & give all first responders including MA & NH State Police, NH National Guard, in coordination with Chiefs of

Page 3 of We The People's letter of Jun 19, 2017 to Newburyport City Councilors.

Cont" police & Fire the opportunity to testify to the effectiveness of the Seabrook Nuclear Plant's Evacuation Plan. I have spoken with over 170 first responders who have stated to me at present, "There is no safe evacuation possible during summer months."

Thank you for your understanding & attention in these important safety matters which effects everyone in Newburyport & beyond especially our first responders who have families also to protect.

If you need further clarification or comment please feel free to contact me on my cell # 904-206-3114 or e-mail me at [s.comley.sr@outlook.com](mailto:s.comley.sr@outlook.com). We the People looks forward to meeting with you soon.

Sincerely,



Stephen B. Comley Sr.

Founder of We The People a National Whistleblower Non-Profit Organization

CC: Senator Bruce Tarr, Representative, Bradford Hill & Sherriff Frank Cousins, Jr.

Enclosures A-I

- A. Copy of letter to Stephen B. Comley Sr. from former NRC Executive Director, Victor Stello who suggested that Special Needs Citizens should be left behind in the event of a nuclear disaster at the Seabrook Nuclear Plant.
- B. Copy of October 1990 U. S. Government Accounting (GAO) office Report entitled, "Nuclear Safety & Health: Counterfeit Substandard Products are a Government Wide-Concern."
- C. Copy of Report, "Differing Professional View concerning the Proposed 10 CFR 50.69 Rulemaking, "Risk informed categorization and Treatment of Structures, system, and (nuclear) components." My specific concern is that the treatment requirements specified for RISC-3, SSCs are not sufficient to provide reasonable assurance of adequate protection of public health and safety." (Standards for Nuclear Parts were ultimately lower by the NRC due to pressure by the nuclear industry, nuclear lobbyists & politicians due to the fact a large amount of these Counterfeit Substandard parts are not traceable."
- D. Copy of We The People's National Petition demanding that President Obama, President Elect Trump, Vice President Biden, Speaker Paul Ryan & Members of Congress to Create an Independent Commission to Investigate the U.S. Nuclear Regulatory Commission (NRC).
- E. Copies of 3 DVD Tapes: 1. CNN's year & half investigation of WTP's work aired on EARTH MATTERS ENTITLED, "INSIDE THE NUCLEAR REGULATORY COMMISSION: INTIMIDATION OR REGULATION."  
2. DVD sent by an informant to WTP about a CEO Conference held for Nuclear Plant Control Room Operators entitled, "CONTROL ROOM." Discussions centered on how many accidents & near misses had occurred during operation at U.S. Nuclear Plants."  
3. DVD showing Traffic on 95, 1 & 1A at a Standstill.
- F. AJ Paglia, Chief of Staff, Office of Sen. Bruce Tarr's Memo 1/9/17 to PID's office, Division of MA AG.
- G. MA AG PID's letter of March 17, 2014 to Stephen Comley Sr. of We The People.
- H. Endorsement letters of We The People's call for the NRC to hold a First Responders Hearing from Senator Bruce Tarr, Representative Bradford Hill & Essex County Sherriff, Frank Cousins.
- I. Stephen B. Comley Sr. letter of 1-9-17 to MA AG, Maura Healey & Video of their meeting 1-10-17.

# The DAILY NEWS



WWW.NEWBURYPORTNEWS.COM

THURSDAY

April 27, 2017

\$1.00

New England Newspaper & Press Association's 2015 Newspaper of the Year



## Georgetown selectmen back letter to NRC

By RICHARD K. LODGE  
Managing Editor

GEORGETOWN — Selectmen voted 3-1, with one member absent, earlier this week to send a letter to the Nuclear Regulatory Commission endorsing a push by area legislators for a hearing on evacuation plans in towns near the Seabrook nuclear power plant.

Stephen B. Comley Sr., who has been speaking out about his concerns whether first responders in cities and

towns near Seabrook Station have adequate evacuation plans, spoke to the Board of Selectmen on Monday night.

Comley, a Rowley resident and founder of the group We The People, urged the board to write to the NRC calling for a public hearing at which first responders could air concerns about whether they could safely and quickly evacuate towns near Seabrook, especially at the height of the summer tourist season.

Comley said state Rep. Brad Hill, R-Ipswich, Sen. Bruce Tarr, R-Gloucester, and former Essex County Sheriff Frank Cousins all backed his quest for an NRC hearing.

Selectman Gary Fowler, serving as acting chairman in David Surface's absence, said Georgetown was outside the 10-mile evacuation zone, but it was his understanding residents would be asked to shelter in place if an accident occurred at the 27-year-old Seabrook plant.

Fowler said he had spoken with Georgetown Police Chief Donald Cudmore, who expressed confidence in the town's ability to handle an emergency. But Fowler said he reviewed some of the emergency information from the NRC and found it dated back to 1995.

Fowler, who said at the beginning of the discussion he had known Comley for many years and they attended the same church, said he supported the idea of writing a letter to the NRC supporting a public hearing.

Comley stressed that he wasn't advocating shutting down Seabrook Station.

"We're not asking for a shutdown. We're trying to

find out if we're prepared for an accident if it happens," he said.

Selectman Joseph Bonavita said he supported the idea of learning more about what the board and townspeople would need to know about evacuation or emergency plans.

"What can we do to educate our town about the worst-case scenario because I don't think we know anything," he said.

Bonavita supported the idea of endorsing a letter calling for a public hearing, but added, "the more immediate action is to educate our own town, within a town setting."

Fowler said, "We need to be concerned about the citizens

of Georgetown. How does this affect us as a board and the town?"

Board member Steven Sadler said he felt he needed more time to read the packet of information Comley gave selectmen, but would not be averse to endorsing a letter at a later date.

Selectman Douglas Dawes moved to send a letter to the NRC endorsing the push by Tarr and Hill, calling for a hearing for first responders.

The board voted in favor, with Sadler opposed.

Richard K. Lodge can be contacted at [rlodge@newburyportnews.com](mailto:rlodge@newburyportnews.com).

Follow him on Twitter @RichardLodge\_DN.

Stephen B. Comley Sr.

Founder of:

**We The People**  
a National Whistleblowers  
Non-Profit Organization

Box #646 Rowley, MA 01969  
Where Democracy Is Strong  
Email: [scomleysr@yahoo.com](mailto:scomleysr@yahoo.com)  
Mobile: 904-206-3114



For More Background on WTP

Google: Steve Comley Nuclear Regulatory Commission

"To The Village Square We Must Take The Facts Of Atomic Energy, From There Must Come America's Voice" Albert Einstein

(57)

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 JUN 20 AM 11:11

President Thomas F. O'Brien  
And Members of the City Council  
Newburyport City Hall  
60 Pleasant Street  
Newburyport, MA 01950

Dear Mr. O'Brien:

The amendment to Chapter 12-Streets, sidewalks and other Public Places, Sec. 1.5 prohibits A-Frame Signs beyond the 4 square feet of the sidewalk at the direct entrance of a business has dictated to me to write to you today for your support.

My name is Debra Green and I own a business, Greetings by Design, located at 1 Rear Water Street. Because my business is not visible from 1 Rear water Street it poses a challenge for potential customers To shop at my location. I am respectfully requesting your approval to place my A-Frame on 1 Water Street. This location will provide maximum visibility and minimal invasion of the walkway. Also, by allowing me this variance my customers will have no difficulty finding my establishment.

I have attached my Application for Movable Signage on Public Property along with my check in the amount of \$100.00 made payable to the City of Newburyport. I appreciate your attention to this matter and look forward to hearing from you. If you have any further questions, please feel free to contact me at 978-225-6700 or email me at [info@greetingsbydesign.com](mailto:info@greetingsbydesign.com).

Thank you for your consideration.

Very truly yours,



Debra Green

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 JUN 19 AM 10:31

6/16/2017

Jared Eigerman  
City of Newburyport  
Newburyport, MA 01950

Dear Councilor Eigerman.

We are asking the city to grant permission to dedicate a public space for two citizens who were instrumental in the rebirth of our city. Their hours of service and generosity to giving back to the rest of us is beyond measure.

**John Bradshaw:** John "Jack" Bradshaw's hard work includes leadership on the NRA, working with Mayor Matthews to restore rather than destroy the beautiful city we all enjoy today. More recent examples include being a founding member of the Downtown (NDET) Group and Inn St Fountain restoration and continuous funding of the Market Square rotary flowers. Jack's generosity and contributions to Newburyport have positively impacted all of us.

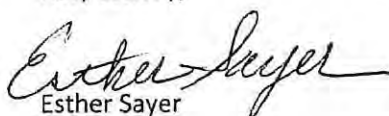
Jack Bradshaw  
Market Square Island  
<https://goo.gl/maps/p22F6iSKrDD2>

**Jon Woodman:** Jon created an architectural firm in the heart of the city during the planning of its rebirth. Jon's expertise helped tie together the vision of Mayor Matthews and Jack Bradshaw. Like Jack, Jon's dedication and generosity to Newburyport is endless.

Jon Woodman  
20 Inn St.  
<https://goo.gl/maps/KXzyU2j47HJ2>

We request honoring these two extraordinary individuals for making Newburyport a great place for the rest of us to call home.

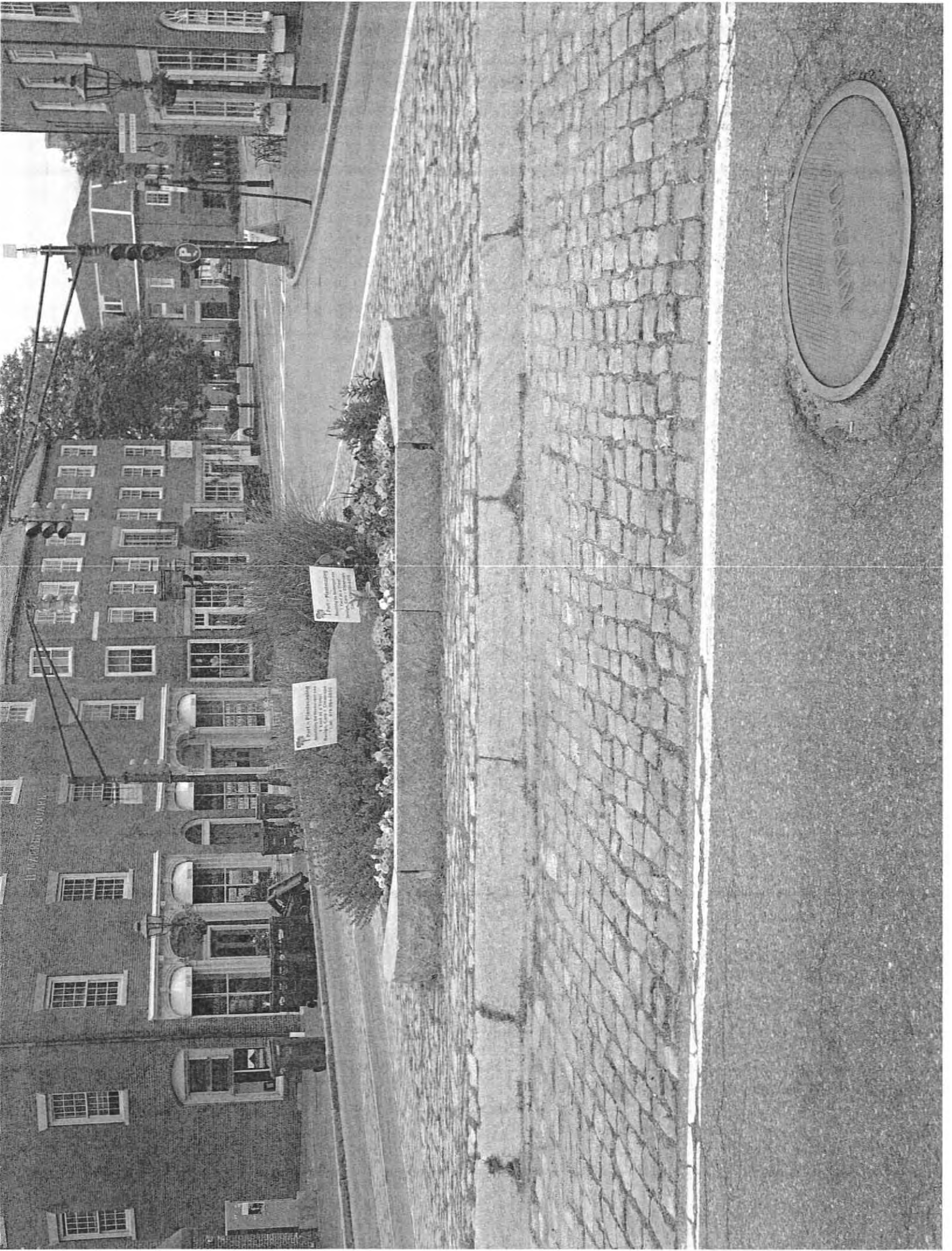
Respectfully,

  
Esther Sayer

  
William S. Ladas

*(Possible dates for Jon and Jack's family for a dedication ceremony include: August 12 or 19/September 9 or 23. Jon and Jack do NOT know we are attempting to do this)*



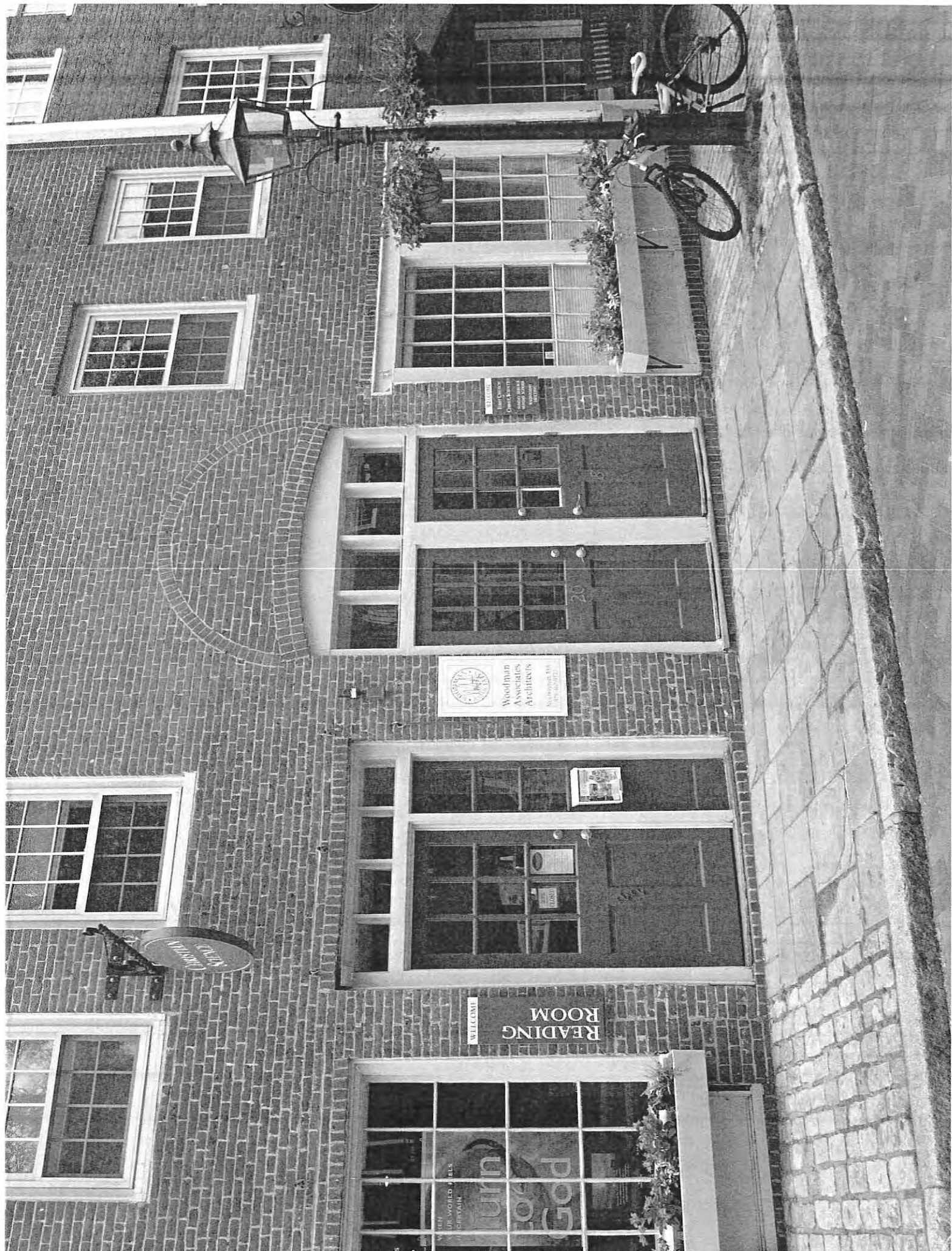


Small circular plaque on the pavement, likely a commemorative marker or utility cover. The text on the plaque is illegible due to the image's orientation and resolution.

Port & Environment  
Aqua & Climate  
781-884-1111

Port & Environment  
Aqua & Climate  
781-884-1111

LITTLE MARKET SQUARE



WELCOME  
READING ROOM

WOODMAN ASSOCIATES ARCHITECTS  
ARCHITECTS  
100 N. WASHINGTON ST.  
ANN ARBOR, MI 48106-1000  
(734) 763-0122

WOODMAN ASSOCIATES ARCHITECTS

GO TO THE WORLD OF BOOKS  
CERTAIN

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 JUN -7 AM 11:33

**Newburyport Firefighters Local 827**  
**International Association of Firefighters**

0 Greenleaf Street  
Newburyport, MA 01950

To: Newburyport City Council

May 5, 2017

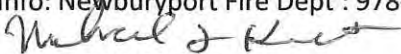
The Newburyport firefighters would like to ask permission to hold it's annual

Fill-The-Boot Drive for the Muscular Dystrophy Association during the 2017 Yankee Homecoming Celebration. The location will be Market Square on Thur Aug 3, Fri Aug 4, and Sat Aug 5, All proceeds collected go directly to MDA. Thank you for your continued support.

Firefighter Michael Kent

MDA Chairman

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

  
Michael Kent: 978-360-1361

# NEWBURYPORT SPECIAL EVENT APPLICATION

Tel. 978 465-4427 Fax.

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

NAME OF EVENT: FILL THE BOOT FOR MDA (MUSCULAR DYSTROPHY ASSOC.)

Date: Aug 3, 4, 5 2017 Time: from 10 am to 4 PM

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

2. Location: MARKET SQUARE

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

4. Name of Organizer: NEWBURYPORT Firefighters City Sponsored Event: Yes \_\_\_\_\_ No \_\_\_\_\_

Contact Person MICHAEL KENT

Address: 0 Greenleaf St Telephone: 978 360-1361 (cell)

E-Mail: MKent@CityofNewburyport Cell Phone: \_\_\_\_\_

Day of Event Contact & Phone: 978-360-1361<sup>cell</sup>

5. Number of Attendees Expected: N/A

6. MA Tax Number: N/A

7. Is the Event Being Advertised? yes Where? FACEBOOK

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

9. Have You Notified Neighborhood Groups or Abutters? Yes \_\_\_\_\_ No , Who? \_\_\_\_\_

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

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

B. Entertainment: (Subject to City's Noise Ordinance:) Live Music \_\_\_\_\_ DJ \_\_\_\_\_ Radio/CD \_\_\_\_\_

Performers \_\_\_\_\_ Dancing \_\_\_\_\_ Amplified Sound \_\_\_\_\_ Stage \_\_\_\_\_

C. Games /Rides: Adult Rides \_\_\_\_\_ Kiddie Rides \_\_\_\_\_ Games \_\_\_\_\_ Raffle \_\_\_\_\_

Other \_\_\_\_\_ Total # \_\_\_\_\_

Name of Carnival Operator: \_\_\_\_\_

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? 0
- b) How many recycling receptacles will you be providing? 0
- 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 N/A
- b) # of recycling container(s) to be provided by Recycling Office \_\_\_\_\_
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

All fees must be paid prior to the event. Check or money order is payable to the City of Newburyport.

**E. Portable Toilets:** (Each cluster of portable toilets must include at least one ADA accessible toilet)

# \_\_\_\_\_ Standard      # \_\_\_\_\_ ADA accessible

Name of company providing the portable toilets: \_\_\_\_\_

**FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY**

PARADE \_\_\_\_\_

ROAD RACE \_\_\_\_\_

WALKATHON \_\_\_\_\_

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

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

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

4. Date of Event: N/A Expected Number of Participants: \_\_\_\_\_

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

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

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

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

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

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

11. Additional Parade Information:

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

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

CITY MARSHAL [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:** Michael Kent **Date:** May 5, 2017



# NEWBURYPORT SPECIAL EVENT APPLICATION

Tel.

Fax.

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

NAME OF EVENT: Bed Race

Date: 8/03/17 Time: from 5:30pm to 7:00pm  
 Rain Date: 8/04/17 Time: from 5:30pm to 7:00pm

2. Location: Federal Street, Newburyport

3. Description of Property: City Street Public  Private

4. Name of Organizer: Lions Club City Sponsored Event: Yes  No   
 Contact Person Chad McDonald  
 Address: 33 Low St Newburyport Telephone: 978-462-2020  
 E-Mail: chad.mcdonald@verizon.net Cell Phone: 978-314-9000  
 Day of Event Contact & Phone: Same

5. Number of Attendees Expected: 1000-1500

6. MA Tax Number: 51-0230184

7. Is the Event Being Advertised? Yes Where? Lions Club & Watts Eye Websites

8. What Age Group is the Event Targeted to? All

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

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

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

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

C. Games /Rides: Adult Rides  Kiddie Rides  Games  Raffle   
 Other  Total #   
 Name of Carnival Operator:   
 Address:   
 Telephone:

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2017 JUN 12 AM 8:15

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? ONE
- b) How many recycling receptacles will you be providing? ONE
- c) Will you be contracting for disposal of : Trash Yes \_\_\_ No  Recycling Yes \_\_\_ No
- i. If yes, size of dumpster(s): Trash \_\_\_\_\_ Recycling \_\_\_\_\_
- ii. Name of disposal company: Trash \_\_\_\_\_ Recycling \_\_\_\_\_
- iii. If no, will you remove trash & recycling with organizers' cars or trucks? Yes  No \_\_\_
- iv. If no, where will the trash & recycling be disposed ? \_\_\_\_\_

**If no:**

- a) # of trash container(s) to be provided by DPS \_\_\_\_\_
- b) # of recycling container(s) to be provided by Recycling Office \_\_\_\_\_
- c) \$45.00/hr/DPS employee charge must be paid by the organizer to DPS in advance of the event (Fee for Special Events). The hours required for the event will be determined by DPS.

All fees must be paid prior to the event. Check or money order is payable to the City of Newburyport.

**E. Portable Toilets:** (Each cluster of portable toilets must include at least one ADA accessible toilet)

# 0 Standard # 0 ADA accessible

Name of company providing the portable toilets: \_\_\_\_\_

**FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY**

PARADE \_\_\_\_\_ BED  
 ROAD RACE   X   WALKATHON \_\_\_\_\_

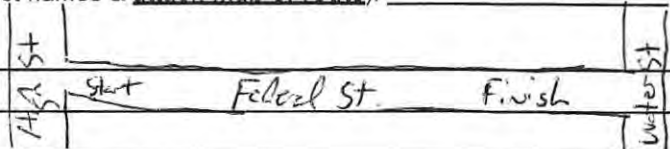
1. Name of the Group or Person Sponsoring the Road Race, Parade, Walkathon:  
Newburyport Lions Club

2. Name, Address & Daytime Phone Number of Organizer: \_\_\_\_\_  
Chad McDonald  
33 Low Street Newburyport  
978-462-7070 / 978-314-9000

3. Name, Address & 24/7 Telephone Number of Person Responsible for Clean Up \_\_\_\_\_  
Same as #2

4. Date of Event: 8/03/17 Expected Number of Participants: 100-150

5. Start Time: 5:30 pm Expected End Time: 7:00 pm

6. Road Race, Parade or Walkathon Route: (List street names & **attach map of route**): \_\_\_\_\_  
Federal Street only 

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

8. Will Detours for Motor Vehicles Be Required? Yes If so, where? Federal Street blocked off

9. Formation Location & Time for Participants: Federal Street 5:30 pm

10. Dismissal Location & Time for Participants: Federal Street 7:00 pm

11. Additional ~~Parade~~ Information:
- Number of <sup>Beats</sup> Floats: 20-25
  - Locations of Viewing Stations: Federal Street Sidewalks
  - Are Weapons Being Carried: Yes \_\_\_\_\_ No X
  - Are Marshalls Being Assigned to Keep Parade Moving: Yes X 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.





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/09/2017

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).

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

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

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


INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <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"/> PRO-JECT <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	<b>AUTOMOBILE LIABILITY</b> <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) \$ \$
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			N/A			<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)

Provisions of the policy apply to the named insureds participation in the following activity during the policy period shown above: Newburyport Yankee Homecoming Bed Race

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

<b>CERTIFICATE HOLDER</b>  City of Newburyport 60 Pleasant Street Newburyport Massachusetts 01950	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
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**APPOINTMENTS  
FIRST READING**



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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 JUN -8 AM 9: 29

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 8, 2017  
Subject: RE-Appointment

I hereby re-appoint, subject to your approval, the following named individual as the tenant member of the Newburyport Housing Authority. This term will expire on May 1, 2022.

Kimberley Logue  
18 Woodman Way #3  
Newburyport, MA 01950



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

**APPOINTMENTS  
SECOND READING**

## SECOND READING APPOINTMENTS

### Re-Appointments

- APPT044\_06\_12\_17 Madeline Nash 19 Arlington St Aff Housing Trust 5/1/2018
- APPT046\_06\_12\_17 Richard A. Eaton 4 Horton St Trust Fund Comm 7/1/2020
- APPT047\_06\_12\_17 Richard J. O'Brien 41 Olive St Trust Fund Comm 7/1/2020

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

# ORDERS

CITY OF NEWBURYPORT



---

IN CITY COUNCIL

ORDERED:

June 26, 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:

New England Paving  
29 Collins Street  
Seabrook, NH 03874

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

---

Councillor Jared J. Eigerman  
Public Utilities Chairperson

CITY OF NEWBURYPORT



---

IN CITY COUNCIL

ORDERED:

June 26, 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:

Tim Zanelli Excavating  
299 Main Street  
No. Reading, MA 01864

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

---

Councillor Jared J. Eigerman  
Public Utilities Chairperson

**NEWBURYPORT COMMUNITY PRESERVATION COMMITTEE  
RECOMMENDATIONS FOR FY18 APPROPRIATIONS**

The Newburyport Community Preservation Committee recommends that the City Council appropriate **\$1,137,270** from Community Preservation Fund Revenues for the projects and bond payments, in the amounts, in the categories, and subject to the conditions hereinafter described. The Committee also recommends that the City Council appropriate **\$26,803.50** in the Community Housing Reserve Funding to the Newburyport Affordable Housing Trust Fund.

The following CONDITIONS are common to recommended projects #1 through #12:

- A. Each recipient of funds is required to submit to the CPC a written report on the status of the project by each October 15, January 15, April 15 and July 15 following appropriation and until final completion of the project.
- B. If a project is not completed within twelve (12) months of appropriation, the grantee must submit a written request to the CPC for an extension of the grant. Otherwise, funds may be subject to rescission and returned to Community Preservation Fund Reserves (applicable to appropriations, not to reservations).
- C. Full funding is conditioned upon the receipt of state matching funds, estimated to be 15% of local revenue, expected in November 2017.

Attached are:

1. One page summary spreadsheet of all CPC recommendations.
2. Recommendations for appropriation numbers 1-18, with summaries for each.
3. Criteria for project evaluation adopted and published by the CPC.

Estimated Community Preservation Fund Revenues available for appropriation or reservation in FY 2018 total \$1,162,099.08. This figure includes estimated receipts of the local CPA surcharge through fiscal year end 2017, accumulated interest, the anticipated 15% state matching funds expected to be received in November 2017, current uncommitted and unreserved funds, and the returned funds from completed and closed-out projects.

Applications for all projects are available for review in the Office of Planning & Development.

Respectfully submitted by:

Community Preservation Committee Members

Michael Dissette, Chair	Jane Healey, Vice Chair
Paul Healy	Jim McCarthy
Daniel Koen	Steven Sawyer
Don Little	Sarah White

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

That the City Council appropriates from the Community Preservation Act FY 2018 estimated revenues, in accordance with the provisions of M.G.L. Chapter 44B, for the following projects, based upon the Community Preservation Committee's recommendation, the total amount of **\$1,137,270**. The source of funds shall be FY2018 estimated revenues in the amount of \$909,698.10 and Community Preservation Fund Balance in the amount of \$227,571.90. Each project listed below shall be considered a separate appropriation in the amount indicated for that project.

Project #	Project Title	CPA Category	Request	Recommendation
1	YWCA Women's Residence	Community Housing	\$26,500	\$26,500
2	Community Building Rehabilitation	Community Housing	\$129,500	\$129,500
3	Affordable Housing Trust Fund	Community Housing	\$100,000	\$75,000
4	Restoration of Cushing Carriage House Windows	Historic Preservation	\$14,500	\$14,500
5	Central Congregational Steeple Project	Historic Preservation	\$100,000	\$75,000
6	NHS Exterior Woodwork Restoration	Historic Preservation	\$174,610	\$125,000
7	People's UM Church Restoration	Historic Preservation	\$20,000	\$8,700
8	Open Space Reserve Fund	Open Space	\$150,000	\$100,000
9	Gateway Trees Phase 2	Historic Preservation	\$13,000	\$13,000
10	Fuller Field Track Renovation Phase 2	Recreation	\$150,000	\$60,000
11	Clipper City Rail Trail Phase III	Recreation	\$75,000	\$75,000
12	Slate and Copper Restoration	Historic Preservation	\$30,434	\$26,000
13	City Hall Bond Payment	Historic Preservation	\$161,920	\$161,920
14	Open Space Bond Payment	Open Space	\$102,480	\$102,480
15	NHS Stadium Bond Payment	Recreation	\$124,980	\$124,980
16	Cherry Hill Soccer Field Bond Payment	Recreation	\$7,690	\$7,690
17	Administrative Costs	Administrative	\$12,000	\$12,000

Further, that the City Council appropriates from the Community Housing Reserves Fund Balance, in accordance with the provisions of M.G.L. Chapter 44B, for the following project, based upon the Community Preservation Committee's recommendation, the amount of \$26,803.50. This project shall be considered a separate appropriation.

Project #	Project Title	CPA Category	Request	Recommendation
18	Affordable Housing Trust Fund	Community Housing	\$26,803.50	\$26,803.50

Approve:

Attest:

Councillor Charles F. Tontar

Date:



**PROJECT NO. 1  
YWCA WOMEN'S RESIDENCE**

The CPC recommends the appropriation of \$26,500 from the FY 2018 Estimated Revenues to the YWCA Greater Newburyport to repaint the women's residence at 13 Market Square.

The CPA category for this appropriation is Community Housing.

**Project Summary**

The YWCA acquired this structure in 1890 and since then has provided affordable housing for women. Today, it continues to provide affordable housing for twelve (12) women and may be the country's longest, continually operated affordable housing program. The YWCA is committed to keeping the rents affordable to the women who reside at 13 Market Street; however, the low rents do not provide any additional reserves to cover the cost of major capital repairs or improvements. The CPA funding will be used in support of this housing to paint the exterior of the building, including cleaning, scraping, priming, and two coats of paint.

**PROJECT NO. 2  
COMMUNITY BUILDING REHABILITATION**

The CPC recommends the appropriation of \$129,500 from the FY 2018 Estimated Revenues to the Newburyport Housing Authority to complete the rehabilitation of the current shared Community Building/Garage space into a larger community space for use by the residents of Kelleher Gardens.

The CPA category for this appropriation is Community Housing.

**Project Summary**

The Housing Authority, at the request of the Kelleher Gardens Tenant Council wishes to expand the community building in order to provide additional programming and learning opportunities, increase the Community Cupboard Food Pantry, and provide a place for residents to gather for events and seminars. The CPA funding will go toward the complete rehabilitation of this 600 square foot building to include a new addition, new kitchen cabinets, new flooring, and all mechanical, plumbing, and electrical systems, and also includes the need for the Housing Authority to pay prevailing wages for this work.

**PROJECT NO's. 3 and 18  
NEWBURYPORT AFFORDABLE HOUSING TRUST**

The CPC recommends the appropriation of \$75,000 from the FY 2018 Estimated Revenues and \$26,803.50 from Community Housing Reserve Funds to the Newburyport Affordable Housing Trust (NAHT) to be placed in its Affordable Housing Trust Fund (the "Fund") so the NAHT may continue its efforts to support, preserve, and develop affordable housing for low and moderate income households with the following condition:

- Funds appropriated from the Community Preservation Fund shall be used only for community housing purposes consistent with, and meeting the requirements of the Community Preservation Act, M.G.L. c.44B.

The CPA category for this project is Community Housing.

**Project Summary**

The NAHT has been entrusted by the community to watch over the Fund and judiciously allocate funding to projects and initiatives that promote affordable housing in the City, educate the community on the benefits of having a diverse housing stock, and advocate for both public and private housing development projects that include affordable units. This funding will allow the NAHT to grow the Fund to allow for prompt action when affordable housing opportunities present themselves. Funding may be used to incentivize affordable housing developers to provide deeper levels of affordability to meet a variety of local housing needs, prevent the loss of income-restricted units, support the housing needs of community members with low to moderate incomes, and

to provide a local financial match for a development project.

**PROJECT NO. 4  
RESTORATION OF CUSHING CARRIAGE HOUSE WINDOWS**

The CPC recommends the appropriation of \$14,500 from the FY 2018 Estimated Revenues to the Historical Society of Old Newbury to fully restore and preserve all ten (10) windows on the Cushing Carriage House. This property is protected by a Preservation Restriction.

The CPA category for this project is Historic Preservation.

**Project Summary**

The Historical Society of Old Newbury will work with Alison J. Hardy of Window Woman of New England to perform a comprehensive restoration of all of the windows on the carriage house. This work will include proper removal of all lead paint, removal of all glazing putty, replacement of parting stops, repair of weak joints and rot damage, installation of back stops to fully support the sashes, and repainting of the window's interior and exterior components.

**PROJECT NO. 5  
CENTRAL CONGREGATIONAL STEEPLE PROJECT**

The CPC recommends the appropriation of \$75,000 from the FY 2018 Estimated Revenues to the Central Congregational Church, United Church of Christ to perform restoration work on the steeple and exterior of the Central Church located at 14 Titcomb Street with the following condition:

- The applicant shall execute a Preservation Restriction on the exterior façade of the structure.

The CPA category for this project is Historic Preservation.

**Project Summary**

The Central Congregational Church has embarked on a multi-pronged effort to renovate portions of the interior and exterior of the building. CPA funding will go toward the necessary exterior renovations, which will include work on the steeple. Specifically, funds will be used for the restoration of the face of the spire, clocks, and repair damage to the exterior roof trim of the building.

**PROJECT NO. 6  
NHS EXTERIOR WOODWORK RESTORATION PROJECT – PHASE III**

The CPC recommends the appropriation of \$125,000 from the FY 2018 Estimated Revenues to the Newburyport Public Schools for Phase III of the NHS exterior woodwork restoration project with the following condition:

- The applicant shall finalize the execution of a Preservation Restriction on the exterior façade of the structure.

The CPA category is Historic Preservation.

**Project Summary**

Phase III of this project will focus on the rehabilitation of the historic exterior woodwork on the 1937 portion of the building. Age and exposure to weather have caused a variety of issues with the exterior woodwork, necessitating a well-planned historic restoration guided by *The Secretary of the Interior's Standard for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.

**PROJECT NO. 7  
PEOPLE'S UNITED METHODIST CHURCH RESTORATION**

The CPC recommends the appropriation of \$8,700 from the FY 2018 Estimated Revenues to the People's United Methodist Church for the repair and restoration of the building's steeple with the following condition:

- The applicant shall execute a Preservation Restriction on the exterior façade of the structure.

The CPA category is Historic Preservation.

**Project Summary**

The People's United Methodist Church has contracted with American Steeple and Tower Co., Inc. to restore the building's 1988 steeple. Restoration work includes removing rotting trim and lead paint, securing all loose siding and trim on the spire and tower with stainless steel fasteners, removing all loose and peeling paint, applying two coats of paint, and sealing all cracks and openings to prevent water infiltration.

**PROJECT NO. 8  
OPEN SPACE RESERVE FUND**

The CPC recommends the reservation of \$100,000 from the FY 2018 Estimated Revenues to the Community Preservation Open Space Reserve Fund. Use of reserve funds are subject to future CPC recommendation and City Council appropriation for specific projects.

The CPA category for this reservation is Open Space.

**Project Summary**

This recommendation is in response to an application from the City's Open Space Committee indicating there are potential opportunities for open space acquisitions and/or conservation restrictions of land. These potential projects require confidentiality. Supplemental information will be submitted as individual projects enter more public phases and are presented to the CPC and the City Council for project specific funding from the reserve.

**PROJECT NO. 9  
GATEWAY TREES – PHASE 2**

The CPC recommends the appropriation of \$13,000 from the FY 2018 Estimated Revenues to the Newburyport Tree Commission to beautify and preserve the historic character of High Street with twenty (20) new trees.

The CPA category for this appropriation is Historic Preservation.

**Project Summary**

The Newburyport Tree Commission, working with the Friends of Newburyport Trees (FoNT), has initiated a project called GATEWAY, to improve and beautify the principal access roads into Newburyport by planting site specific street tree species, carefully vetted by Tree Commission arborists, in the public right-of-way. This funding will be used for site preparation, planting of the trees, watering for two seasons, and annual mulching and pruning where needed.

**PROJECT NO. 10  
FULLER FIELD TRACK RENOVATION – PHASE 2**

The CPC recommends the appropriation of \$60,000 from the FY 2018 Estimated Revenues to the City of Newburyport Parks Department to be put toward the continued renovation of the track and field facility at the Bradley Fuller Athletic Field on Low Street.

The CPA category for this appropriation is Recreation.

**Project Summary**

Phase 1 of this project saw construction of a new, collegiate level track and multipurpose sports field at the existing track facility on Low Street. Phase 2 of this project includes installation of a 1,000-person grandstand and press box, message scoreboard for multi-sport use, improved parking and drop off area, new concrete walkways, lighting, and fencing that will allow gating off the facility.

**PROJECT NO. 11  
CLIPPER CITY RAIL TRAIL AND HARBORWALK, PHASE III**

The CPC recommends the appropriation of \$75,000 from the FY 2018 Estimated Revenues to the City of Newburyport through its Office of Planning & Community Development to support the initial planning and design discussions for Phase III of the rail trail, which will 'close the loop' by linking Phases I and II.

The CPA category for this appropriation is Recreation.

**Project Summary**

CPA funding for this project will be put toward the planning of Phase III, which will include public meetings, design, and survey work for the Parker Street corridor, which will serve as the connection between Phases I and II of the trail. This corridor was chosen as the most feasible option to connect the loop trail given that the municipal road corridor is wide enough to allow for the addition of a 10' wide, paved, multi-use pathway. With the presence of the traffic circle, this is a dangerous and inhospitable area, especially for pedestrians and cyclists and this project will enable the City to begin the work necessary to create a safer environment.

**PROJECT NO. 12  
SLATE AND COPPER RESTORATION AT THE CUSTOM HOUSE MARITIME MUSEUM**

The CPC recommends the appropriation of \$26,000 from the FY 2018 Estimated Revenues to the Newburyport Maritime Society, Inc., to support the restoration of the slate and copper roofing materials around the perimeter of the observation deck at the Custom House Maritime Museum. This structure is protected by a Preservation Restriction.

The CPA category for this appropriation is Historic Preservation.

**Project Summary**

Currently the integrity of the structure is compromised and leaking endangers the artifacts located beneath the observation deck and roof, creating an emergency situation. The Museum has contracted with The Heritage Company of East Waterboro, Maine, who performed restoration work on the building in 2013. Restoration work will include removing three courses of slate around the perimeter of the observatory along with the existing flashing, repairing the roof decking as necessary, installing a high temperature ice and water membrane and roofing paper, reinstalling the slate, and finally installing a copper base flashing and counter flashing around the roof/deck intersection.

**PROJECT NO. 13  
CITY HALL BOND DEBT PAYMENT**

The CPC recommends the appropriation of \$161,920 from the FY 2018 Estimated Revenues to the City of Newburyport for the eleventh annual payment of interest and principal on the City Hall Restoration Bond.

The CPA category is Historic Preservation.

**Project Summary**

In December 2005, the City Council authorized issuance of a \$1,950,000 bond against future CPA revenue for the City Hall Restoration Project. Work on City Hall is now complete, though debt payments will continue through 2019. The CPC is advised that it is necessary to appropriate the debt service payments annually.

**PROJECT NO. 14  
OPEN SPACE ACQUISITIONS BOND DEBT PAYMENT**

The CPC recommends the appropriation of \$102,480 from the FY 2018 Estimated Revenues to the City of Newburyport for the eleventh annual payment of interest and principal on the Open Space Acquisitions Bond.

The CPA category is Open Space.

**Project Summary**

In December 2005, the City Council authorized bonding up to \$1,775,000 against future CPA revenue for open space acquisitions, including the Cooper North Pasture and the former Guilford properties. Under this authorization, the City Treasurer conservatively borrowed \$1,275,000 to fund the acquisition costs. Debt payments on the bond will continue through 2019. The CPC is advised that it is necessary to appropriate the debt service payments annually.

**PROJECT NO. 15  
NEWBURYPORT HIGH SCHOOL WORLD WAR MEMORIAL STADIUM MULTI-PURPOSE FIELD  
PROJECT BOND DEBT PAYMENT**

The CPC recommends the appropriation of \$124,980 from the FY 2018 Estimated Revenues to the City of Newburyport for the second annual payment of interest and principal on the World War Memorial Stadium Multi-Purpose Field Project Bond.

The CPA category is Recreation.

**Project Summary**

In April 2014, the City Council authorized bonding up to \$1,500,000 against future CPA revenue for the renovation and improvement of the Newburyport High School's World War Memorial Stadium athletic field. Debt payments on the bond will continue through 2030. The CPC is advised that it is necessary to appropriate the debt service payments annually.

**PROJECT NO. 16  
CHERRY HILL PARCEL B SOCCER FIELD IMPROVEMENT PROJECT BOND DEBT PAYMENT**

The CPC recommends the appropriate of \$7,690 from the FY 2018 Estimated Revenues to the City of Newburyport for the second annual payment of interest and principal on the Cherry Hill Parcel B Soccer Field Improvement Project Bond.

The CPA category is Recreation.

**Project Summary**

In April 2014, the City Council authorized the bonding of up to \$134,000 against future CPA revenue for the redesign and construction of the Cherry Hill Parcel B athletic field. Debt payments on the bond will continue through 2030. The CPC is advised that it is necessary to appropriate the debt service payments annually.

**PROJECT NO. 17  
ADMINISTRATIVE COSTS**

The CPC recommends the appropriation of \$12,000 from the FY 2018 Estimated Revenues to fund the Community Preservation Committee's anticipated administrative costs. These costs include a stipend for the CPC administration liaison position in the Office of Planning & Community Development, annual membership

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dues in the statewide community preservation coalition, and other recurring expenses including note taking at meetings, legal advertising, and city solicitor review of legal documents when necessary. Excess funds remaining in this account at the end of the fiscal year revert to the general Community Preservation Fund.

The CPA category for this appropriation is Administration.

## COMMUNITY PRESERVATION COMMITTEE – EVALUATION CRITERIA

The Newburyport Community Preservation Committee gives preference to proposals which address as many of the following general criteria as possible:

1. Eligible for Community Preservation Act (CPA) funding according to the requirements described in the CPA legislation (Chapter 44B of Mass. General Laws).
2. Consistent with the Master Plan, Open Space and Recreation Plan, Land Use and other planning documents that have received public scrutiny and input.
3. Preserve and enhance the essential character of the city.
4. Protect resources that would otherwise be threatened.
5. Serve more than one CPA purpose or demonstrate why serving multiple needs is not feasible.
6. Demonstrate practicality and feasibility, and that the project can be implemented within budget and on schedule.
7. Produce an advantageous cost/benefit value.
8. Leverage additional public and/or private funds (eg. qualify the project for additional grants from other sources) or receive partial funding from other sources and/or voluntary contributions of goods or services.
9. Preserve or improve utility of currently owned city assets.
10. Receive endorsement by other municipal boards or departments and broad-based support from community members.

### CATEGORY SPECIFIC CRITERIA

The Community Preservation Act funds three key community interests: open space, historic preservation, and affordable housing. Public recreation projects may also be funded.

1. **Open Space** proposals which address as many of the following specific criteria as possible will receive preference for funding:
  - Permanently protect important wildlife habitat, particularly areas that include:
    - locally significant biodiversity;
    - variety of habitats with a diversity of geologic features and types of vegetation;
    - Endangered habitat or species of plant or animal.
  - Preserve active agricultural use.
  - Provide opportunities for passive recreation and environmental education.
  - Protect or enhance wildlife corridors, promote connectivity of habitat or prevent fragmentation of habitats.
  - Provide connections with existing trails, protected open space or potential trail linkages.
  - Preserve scenic views.
  - Border a scenic road.
  - Protect drinking water quantity and quality.
  - Provide flood control/storage.
  - Preserve and protect important surface water bodies, including streams, wetlands, vernal pools or riparian zones.
  - Buffer for protected open space, or historic resources.

2. **Historic Preservation** proposals which address as many of the following criteria as possible will receive preference for funding:
  - Protect, preserve, enhance, restore and/or rehabilitate historic, cultural, architectural or archaeological resources of significance, especially those that are threatened.
  - Protect, preserve, enhance, restore and/or rehabilitate city-owned properties, features or resources of historical significance.
  - Protect, preserve, enhance, restore and/or rehabilitate the historical function of a property or site.
  - Demonstrates a public benefit.
  - Ability to provide permanent protection for the historic resource.
3. **Affordable Housing** proposals which address as many of the following criteria as possible will receive preference for funding:
  - Contribute to the goal of 10% affordability as defined by chapter 40B of Mass. General Laws.
  - Promote a socioeconomic environment that encourages a diversity of income.
  - Provide housing that is harmonious in design and scale with the surrounding community.
  - Intermingle affordable and market rate housing at levels that exceed state requirements for percentage of affordable units pursuant to chapter 40B.
  - Ensure long-term affordability.
  - Address the needs of range of qualified household, including very low, low and low-to moderate income families and individuals.
  - Provide affordable rental and affordable ownership opportunities.
  - Promote use of existing buildings or construction on previously-developed or city-owned sites.
  - Convert market rate to affordable units.
4. **Recreation** proposals which address as many of the following criteria as possible will receive preference for funding:
  - Support multiple recreation uses.
  - Serve a significant number of residents.
  - Expand the range of recreational opportunities available to city residents of all ages.
  - Jointly benefit Conservation Commission and Parks Commission initiatives by promoting recreation, such as hiking, biking, and cross-country skiing.
  - Maximize the utility of land already owned by city (e.g. school property).
  - Promote the creative use of railway and other corridors to create safe and healthful non-motorized transportation opportunities.



## ORDINANCES

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.

**AN ORDINANCE REGARDING TRANSIENT VENDORS, HAWKERS, AND  
PEDDLERS EFFECTIVE JANUARY 1, 2018**

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 per year ~~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 four (4) 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 two 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 (\$2,500.00) 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 45<sup>th</sup> and 15<sup>th</sup> 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.
- (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.
- (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.
- (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.
- (5) A description of the length of time during which it is proposed the business shall be conducted.
- (6) Days of the week and hours of operation.
- (7) The location(s) where the transient vending business is proposed to be conducted.
- (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.
- (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.

**In City Council June 12, 2017:**

Motion to amend, to add an effective date of January 1, 2018 in the title, by Councillor Eigerman, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion passed. Motion to amend Section 9-114(a), to increase from three to four full-season licenses and to increase from one to two artisan licenses, by Councillor Earls, seconded by Councillor Eigerman. Roll call vote, 11 yes. Motion passed. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 yes.

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.~~

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Councillor Jared J. Eigerman

**In City Council June 12, 2017:**

Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Zeid. Motion to approve by Councillor Connell, seconded by Councillor Tontar. Roll call vote, 11 yes. Motion passed.

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 (6<sup>th</sup>) 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~~ 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 determinate that they are not in violation of provisions of this ordinance. In the case of any disagreement between the inspector of buildings and the zoning administrator regarding an interpretation of this ordinance, the zoning administrator's decision shall control.
2. *Violations.* Where the inspector of buildings, in the course of his duties, determines that any plans, buildings, or premises are in violation of the provisions of this ordinance, he shall so inform the zoning administrator. In such case, or if the zoning administrator in the course of his or her duties determines that any plans, buildings, or premises are in violation of the provisions of this ordinance, the zoning administrator shall order the responsible party in writing to remedy such conditions. Said written order shall specify the nature of the violation found to exist, the remedy ordered, the time permitted for such action, and the penalties and remedies which may be invoked by the city, and the violator's right of appeal; all as provided for by this ordinance.

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

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

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

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

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

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

*Amend the existing fifth (5<sup>th</sup>) 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.

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Councillor Jared J. Eigerman

**In City Council April 10, 2017:**

Motion to refer to Planning & Development by Councillor Eigerman, seconded by Councillor Zeid. So voted.

**In City Council June 12, 2017:**

Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Zeid. So voted. Motion to approve by Councillor Cameron, seconded by Councillor Zeid. Motion to amend, to add "from January 1, 2018, through December 31, 2018" and increase from 1-year terms to two in Section X-B, to replace "him" with "them" in Section X-C(4), to strike "...in his reasonable discretion. It is the intent of the city council that..." from Section X-H.5(C), to replace "triplicate" with "quadruplicate" in Section XI-J, to replace "SPCA" with "the building commissioner" in Section XXVII-G, and add "...such as Robert C. Mack and John P. Speweik, Preservation Brief 2, Repointing Mortar Joints in Historic Masonry Buildings" in the same, by Councillor Eigerman, seconded by Councillor Cameron. So voted. Motion to approve as amended by Councillor Eigerman, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion passed.

May 30, 2017

AN ORDINANCE TO AMEND CHAPTER 3 OF THE MUNICIPAL CODE

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

Chapter 3                                      Animals  
Article 1                                      In General

***Amend Section 3-2 regarding disposal of animal waste, as follows, with deletions ~~double-stricken through~~, and additions double-underlined:***

Sec. 3-2. - Disposal of animal waste.

All persons owning or in custody of an animal ~~will~~shall be responsible for the removal and disposal of that animal's waste. No person shall appear with a dog in his or her custody on any sidewalk, gutter, street or other public area, or on any private property neither owned nor occupied by such person, without the means of removal of any feces left by such dog. The fine for violation of this provision for the first offense shall be fifty dollars (\$50.00) and the second shall be seventy-five dollars (\$75.00) and third and subsequent offenses shall be one hundred dollars (\$100.00). This provision shall not apply to an animal accompanying any handicapped person who, by reason of his or her handicap, is physically unable to comply with the requirements of this provision.

For the purpose of enforcing this provision, notices of violation may be issued pursuant to Section 21D of Chapter 40 of the General Laws, by the board of health acting through its director or his or her designee, by any animal control officer, or by any police officer.

All notices of violation shall be returnable to the Clerk of the Newburyport Division, District Court Department of the Trial Court, Essex County. Unless the person named on said notice of violation appears before said Clerk within twenty-one (21) days of said violation either

personally or through an agent duly authorized in writing, or by mailing to such Clerk, with the notice, the fine provided therein, a complaint will be sought against the person named in said notice.

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Councillor Jared J. Eigerman

**In City Council June 12, 2017:**

Motion to remove from Neighborhood & City Services by Councillor Connell, seconded by Councillor Eigerman. So voted. Motion to amend, to strike second sentence of Paragraph 2 (“Any person who has been observed by a police officer to have violated this provision, and who refuses to give proper personal identification to such police officer upon request, shall be subject to arrest”), by Councillor Connell, seconded by Councillor Zeid. So voted. Motion to approve as amended by Councillor Connell, seconded by Councillor Zeid. Roll call vote, 8 yes, 3 no (Devlin, Giunta, Zeid). Motion passed.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

JUNE 26, 2017

A ZONING ORDINANCE REGARDING BED AND BREAKFAST USE

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

*Zoning Ordinance Amendment:*

APPENDIX A: ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

Section V-D – Table of use regulations.

*Table of use regulations*

The Table of use regulations of Section V-D (Use Regulations) is hereby amended as to Use Number 110 to read as follows:

USE	NUM	CON	R-1	R-2	R-3	B-1	B-2	B-3	I-1	I-1B	I-2	M	WMD	WMU
Bed and breakfast	110	NP	<del>NP</del> <u>SP</u>	<del>NP</del> <u>SP</u>	<del>SP</del> <u>P</u>	<del>SP</del> <u>P</u>	P	P	NP	NP	NP	NP	<del>SP</del> <u>P</u>	SP

Section V-E – List of allowable uses.

*List of allowable uses*

The List of allowable uses of Section V-E (Use Regulations) is hereby amended as to Use Numbers 105, 106, and 110 to read as follows:

USE	NUM	DESCRIPTION
Hotel/inn	105	<del>Any building, structure, or any part thereof of a building containing rooming units, with or without individual cooking facilities, for transient a term of</del>

		<p>occupancy <u>of fewer than thirty (30) days</u>, and having a common entrance or entrances; and including an inn, motel, and motor inn, <u>as well as short-term residential rental units offered by someone other than a permanent resident as defined in Use Number 110, below; but excluding a lodging house or a bed and breakfast</u></p>
Lodging House	106	<p>Any building, structure, or part thereof used as a sleeping place or dwelling for hire, or otherwise, for five (5) or more persons, not within the second degree of kindred to the person conducting the lodging house, <u>without individual cooking facilities</u>, and shall include fraternity houses and dormitories of educational institutions, but shall not include dormitories of charitable or philanthropic institutions, <u>hotel/inn use, bed and breakfast use</u>, or duly licensed convalescent, nursing, or rest homes.</p>
Bed and Breakfast	110	<p><u>Any building, structure, or part thereof that is occupied by a permanent resident and contains</u><del>A owner-occupied building containing no more than five (5) short-term residential rental/rooming units to serve no more than six (6) persons overall,</del> not including living quarters for the permanent resident. A "permanent resident" means a natural person who occupies the property for at least sixty (60) consecutive days with intent to establish that property as his or her primary residence, either as an owner or as a lessee. A "primary residence" means the permanent resident's usual place of return for housing as documented by at least two of the following: motor vehicle</p>

		<p><u>registration; driver's license; voter registration; or tax documents showing the residential unit as the permanent resident's residence for the purposes of a homeowner's tax exemption; a person may have only one primary residence. A "short-term residential rental unit" means a sleeping place or dwelling for hire, for a term of occupancy of fewer than thirty (30) days, with or without its own cooking facility or access to a common cooking facility, for use by any person not within the second degree of kindred to the person offering such lodging, owner occupants, without individual cooking facilities for transient occupancy and having a common entrance or entrances. Common cooking facilities may be included providing that service is limited to those who are owners of the building and those rooming in the building</u></p>
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Councillor Charles F. Tontar

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Councillor Bruce L. Vogel



CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 26, 2017

A ZONING ORDINANCE REGARDING AGRICULTURAL AND/OR CONSERVATION DISTRICTS

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

APPENDIX A: ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

SECTION VI. – DIMENSIONAL CONTROLS

Section VI-A – General regulations.

*THAT* the Table of Dimensional Requirements of Section VI-A be amended as to Use Number 101 as follows, with deletions ~~double struck through~~, and additions double-underlined:

Use	Num.	District	Lot Area	Street Frontage	Height	% Lot Cov.	Open Space	Yard Requirements		
								Front	Side	Rear
Single-family	101	Ag/Con	<del>130,000</del> <u>400,000</u>	300	30	<del>40</del> <u>1</u>	NA	50	50	50

Councillor Jared J. Eigerman

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

June 26, 2017

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

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

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

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

**THAT** the Zoning Map of said Zoning Ordinance entitled "Zoning Map of the City of Newburyport" be amended pursuant to Section III-D "Changes to Zoning Map" such that all parcels located within the following two areas of the City are changed from the Residential Three (R-3) District to the Residential Two (R-2) District, as depicted on the attached map entitled "Zoning Map Change - Proposed," prepared by the Office of Planning & Development, and dated \_\_\_\_\_, 2017: (a) the entire area bounded northwesterly by Ashland Street, northeasterly by Merrimac Street, southeasterly by the Clipper City Rail Trail, and southwesterly High Street; and (b) the entire area bounded northwesterly by Federal Street, northeasterly by Water Street, southeasterly by Bromfield Street, and southwesterly by High Street.

**Section VI-A – General regulations.**

**THAT** the Table of Dimensional Requirements of Section VI-A be amended as to Use Numbers 101 and 102 as follows, with deletions ~~double-stricken through~~, and additions double-underlined:

Use	Num.	District	Lot Area	Street Frontage	Height	% Lot Cov.	Open Space	Yard Requirements		
								Front	Side	Rear
Single-family	101	R-2	<del>10,000</del>	<del>90</del>	35	<del>25</del>	<del>40%</del>	<del>25</del>	10	<del>25</del>
			<u>8,000</u>	<u>80</u>		<u>30</u>	<u>35%</u>	<u>20</u>		<u>20</u>
Two-family	102	R-2	<del>15,000</del>	<del>120</del>	35	<del>25</del>	<del>40%</del>	<del>25</del>	<u>10</u>	<del>25</del>
			<u>12,000</u>	<u>100</u>		<u>30</u>	<u>35%</u>	<u>20</u>		<u>20</u>

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Councillor Robert J. Cronin

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Councillor Sharif I. Zeid

---

Councillor Charles F. Tontar

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

JUNE 26, 2017

A ZONING ORDINANCE REGARDING INCLUSIONARY AFFORDABLE HOUSING

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

As to **VARIANCES**, add new Section X-H.6.R., as follows, with deletions ~~double stricken through~~, and additions double-underlined:

R. Except where a more specific affordable housing requirement applies under this Code, the board shall condition the grant of any variance for a project that will result in a net increase, or the substantial rehabilitation, or both, of at least ten (10) dwelling units, upon no less than ten percent (10%) of such dwelling units being made affordable to and reserved for occupancy by eligible households, for which affordability is assured in perpetuity, or for the life of the permitted project, whichever is shorter, so long as it is no fewer than 30 years, through the use of an affordable housing restriction that meets the statutory requirements of M.G.L. c. 184, § 31, the standards set out in 760 CMR 56.03(2), and the applicable guidelines of the Massachusetts Department of Housing and Community Development for the affordable units so produced to be credited on the Subsidized Housing Inventory (SHI). An eligible household is one whose annual income is less than eighty percent (80%) of the area-wide median income (AMI) as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size and using HUD's rules for attribution of income to assets. For purposes of calculating the number of units of affordable housing required within a project, any fractional unit shall be rounded up to the nearest whole number. Projects shall not be segmented to evade this requirement for affordability, and shall otherwise comply with subsections 3 and 4 of section XXIX-G. At the option of the applicant, it may pay an in-lieu fee to the Newburyport Housing Trust in the amount of \$ \_\_\_\_\_ per required affordable dwelling unit that is not included on site as part of the project.

As to **SPECIAL PERMITS**, add new Section X-H.7.B(11), as follows, with deletions ~~double stricken through~~, and additions double-underlined:

- (11) Except where a more specific affordable housing requirement is applies under this Code, where a project will result in a net increase, or the substantial rehabilitation, or both, of at least ten (10) dwelling units, then no less than ten percent (10%) of such dwelling units shall be made affordable to and reserved for occupancy by eligible households, for which affordability is assured in perpetuity, or for the life of the permitted project, whichever is shorter, so long as it is no fewer than 30 years, through the use of an affordable housing restriction that meets the statutory requirements of M.G.L. c. 184, § 31, the standards set out in 760 CMR 56.03(2), and the applicable guidelines of the Massachusetts Department of Housing and Community Development for the affordable units so produced to be credited on the Subsidized Housing Inventory (SHI). An eligible household is one whose annual income is less than eighty percent (80%) of the area-wide median income (AMI) as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size and using HUD's rules for attribution of income to assets. For purposes of calculating the number of units of affordable housing required within a project, any fractional unit shall be rounded up to the nearest whole number. Projects shall not be segmented to evade this requirement for affordability, and shall otherwise comply with subsections 3 and 4 of section XXIX-G. At the option of the applicant, it may pay an in-lieu fee to the Newburyport Housing Trust in the amount of \$ \_\_\_\_\_ per required affordable dwelling unit that is not included on site as part of the project.

As to **SITE PLAN REVIEW**, add new Section XV-H.a.13., as follows, with deletions ~~double stricken through~~, and additions double-underlined:

13. Except where a more specific affordable housing requirement is applies under this Code, where a project will result in a net increase, or the substantial rehabilitation, or both, of at least ten (10) dwelling units, then no less than ten percent (10%) of such dwelling units shall be made affordable to and reserved for occupancy by eligible households, for which affordability is assured in perpetuity, or for the life of the permitted project, whichever is shorter, so long as it is no fewer than 30 years, through the use of an affordable housing restriction that meets the statutory requirements of M.G.L. c. 184, § 31, the standards set out in 760 CMR 56.03(2), and the applicable guidelines of the Massachusetts Department of Housing and Community Development for the affordable units so produced to be credited on the Subsidized Housing Inventory (SHI). An eligible household is one whose annual income is less than eighty percent (80%) of the area-wide median income (AMI) as determined by the United States Department of Housing and Urban Development (HUD), adjusted for household size and using HUD's rules for attribution of income to assets. For purposes of calculating the number of units of affordable housing required within a project, any fractional unit shall be rounded up to the nearest whole number. Projects shall not be segmented to evade this requirement for affordability, and shall otherwise comply with subsections 3 and 4 of section XXIX-G. At the option of the applicant, it may pay an in-lieu fee to the Newburyport Housing Trust in the amount of \$ \_\_\_\_\_ per required affordable dwelling unit that is not included on site as part of the project.

As to *SITE PLAN REVIEW*, add new Section *XV-L.e.4.*, as follows, with deletions ~~double-stricken through~~, and additions double-underlined:

4. A deed restriction of affordable housing meeting the statutory requirements in M.G.L.A. c. 184, § 31, the standards set out in 760 CMR 56.03(2) and the Massachusetts Department of Housing and Community Development's (DHCD's) applicable guidelines for eligibility on Newburyport's Subsidized Housing Inventory (SHI).

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Councillor Jared J. Eigerman

**COMMITTEE ITEMS**

June 26, 2017

**BUDGET & FINANCE COMMITTEE ITEMS-**

1. **COMM064\_05\_30\_17** - City Clerk Contract - 3 year.
2. **ORDR028\_05\_30\_17** – Gift Acceptance – Sunscreen Dispenser.
3. **ORDR031\_06\_12\_17** – FY2018 Revolving Fund Order.
4. **ORDR032\_06\_12\_17** – Nock Parking Lot Order.
5. **TRAN022\_04\_24\_17** – PI Utility Fund \$2,030,765 to PI Hydrant Replacement 1.9M **(w/PU)**.
6. **TRAN035\_06\_12\_17** – Swr Retained Earnings \$675K to FY18 Budget Rsrv \$675K. **(w/PU)**.
7. **TRAN036\_06\_12\_17** – Wtr Retained Earnings \$300K to Meter Replace Proj \$100K Water Main Replace Proj \$200K. **(w/ PU)**.





**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.

## 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

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:

<b>Equipment</b>
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

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



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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.

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Councillor Charles F. Tontar  
Chair, Budget & Finance Committee

*BoF*  
*COTM*

## 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

<b>Code</b>	<b>Revolving Fund</b>	<b>Authorized to Spend</b>	<b>Revenue Source</b>	<b>Use of Fund</b>	<b>FY18 Spending Limit</b>
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





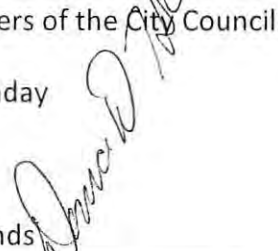
CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY

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



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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)
<b>Total Revolving Funds</b>		<b>\$1,390,314</b>	<b>\$1,615,190</b>	<b>(\$1,224,856)</b>	<b>(\$195,000)</b>	<b>\$1,585,648</b>	<b>\$1,728,500</b>	<b>\$1,693,500</b>	<b>(\$35,000)</b>

*bst*

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)  
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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

A handwritten signature in black ink, appearing to read "Donna D. Holaday", is written over the "Subject" line and extends upwards into the "From" and "Date" lines.

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).

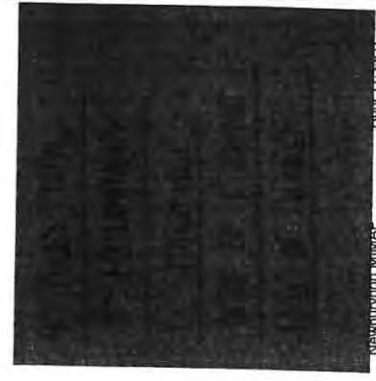
Thank you for your consideration.



- M/PC Boundary
- Trees
- Immediate Action Needed
- No Action Needed
- Unknown
- Parcels
- Hydrographic Features
- Streams
- Stream
- Intermittent Stream
- Wetlands
- City and State
- State

## MIDDLE SCHOOL - PROPOSED STREET LIGHTING

Handwritten notes and a small diagram showing a street layout with a highlighted area.





RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
APR 18 AM 11:58

BT/PO

# City of Newburyport

## FY 2017

# BUDGET TRANSFER REQUEST

**Department:** Department of Public Services  
**Submitted by:** Anthony Furnari, DPS Director      **Date Submitted:** 4/24/2017

**Transfer From:**

Account Name	<u>Plum Island Utility Fund</u>	YTD Bal:	<u>\$ 4,551,604.37</u>
Account Number:	<u>8287-59600</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$2,030,765.00</u>	Trans Out:	<u>\$ -</u>
Why are Funds Available:	<u>Proceeds from CDM Smith Inc. Settlement Agreement. Must be approved by a two-thirds vote of the City Council in accordance with M.G.L. c. 40, sec. 5B.</u>		

✓ **Transfer To:**

Account Name	<u>Plum Island Hydrant Replacement</u>	YTD Bal:	<u>\$ -</u>
Account Number:	<u>New</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$1,900,000.00</u>	Trans Out:	<u>\$ -</u>
Why are Funds Required:	<u>See attached explanatory memorandum.</u>		

**Transfer To:**

Account Name	<u>SEW Municipal Insurance</u>	YTD Bal:	<u>\$ -</u>
Account Number:	<u>61440007-57401</u>	Trans In:	<u>\$ -</u>
Amount:	<u>\$130,765.00</u>	Trans Out:	<u>\$ -</u>
Why are Funds Required:	<u>Deductible balance owed to MIIA per CDM Smith settlement agreement.</u>		

PPW  
5/30/17

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

Donna D. Holaday  
Ethan R. Manning

Date: 4/18/17  
 Date: 4/18/17



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR

DONNA D. HOLADAY

60 PLEASANT STREET • P.O. BOX 550

NEWBURYPORT, MA 01950

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RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2017 APR 18 AM 11:59

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: April 18, 2017  
Subject: Request for Transfer to Fund Plum Island Hydrant Replacement Project

---

I am writing to respectfully request approval of an appropriation from the Plum Island Utility Fund in the amount of \$1,900,000 to fund the Plum Island Hydrant Replacement Project.

At the March 22, 2017 Water and Sewer Commission meeting, the Commissioners discussed schedule and funding approval dates for the Plum Island Hydrant Replacement Project. The attached transfer will position the Water and Sewer Commission to move forward within the necessary timeline.

Due to the advanced corrosion that is occurring to our underground water distribution system on Plum Island (Newburyport and Newbury), the City plans to replace all of the fire hydrants and associated valves and fittings on Plum Island. Project design was performed in-house and construction plans and specs will be put out to bid this month. It is anticipated that construction will begin in June and continue through 2019.

#### **General Project Information**

As part of the repairs to the corroding water distribution system on the Island, the first priority is to replace all of the hydrants. This project replaces 145 hydrant assemblies on the Island as well as all of the hydrants along the Turnpike. Each assembly consists of a hydrant, a valve, piping, and fittings. In addition, while certain zones are shutdown, existing isolation valves will be replaced and 63 new valves will be installed at critical locations to provide the isolation necessary for operations.

All ductile iron piping will be wrapped in polyethylene and all new nuts and bolts will be stainless steel and tape-wrapped to provide maximum corrosion protection.

In order to provide control and minimize the number of hydrants being inoperable at any one time, we are limiting the number of hydrants to be worked on (i.e. out of commission) as well as limit the number of zones being shut down. We created 67 zones to minimize the total number of homes per zone.



The Project may take more than one construction season to complete the installations and the contractor will return one year later to repair the temporary roadway patches with a final repaving. While this Project will make substantial improvements to the system, there still remains a large number of valves, fittings, and restraints that will need to be replaced.

I strongly support the Department of Public Services and Water and Sewer Commission with the attached transfer request. We look forward to answering any questions you may have and discuss the project in further detail as it is considered in the appropriate committees.



# City of Newburyport FY 2017 BUDGET TRANSFER REQUEST

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

JUN 12 2017 -6 PM 12:54

*6/12/17*

**Department:** Department of Public Services

**Submitted by:** Anthony Furnari, DPS Director

**Date Submitted:** 6/12/2017

**Transfer From:**

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

**Transfer From:**

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

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  
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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: 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

BTF  
DU

**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>		

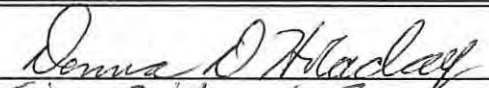
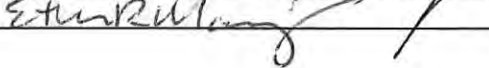
**Transfer To:**

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: 6/12/17



CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY  
60 PLEASANT STREET • P.O. BOX 550  
NEWBURYPORT, MA 01950  
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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.

June 26, 2017

GENERAL GOVERNMENT COMMITTEE ITEMS

- **ORDR016\_04\_10\_17** Extension of Intermunicipal Agreement for Shared Animal Control
- **COMM066\_05\_30\_17** Amendment to Funding Contribution Article 5 (**COTW**)

*Gen. Court*

# CITY OF NEWBURYPORT



---

IN CITY COUNCIL

**ORDERED:**

April 10, 2017

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

---

Councillor Vogel  
License & Permits Chairperson



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

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

---

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

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

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

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

Cc: Frank Giacalone  
Patricia McAlarney



## FY2017 - Animal Control Fines Issued in Newburyport

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

**FY2017 - ACO FEES RECEIVED FROM OTHER COMMUNITIES**

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

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

**Article 1. Purpose**

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

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

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

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

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

**Article 2. Definitions**

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

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

**Article 3. Term**

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

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

#### **Article 4. Lead City**

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

#### **Article 5. Funding Contribution**

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

#### **Article 6 Financial Safeguards**

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

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

### **Article 7 Hours of Services and Service Requirements**

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

### **Article 8 Vehicle Usage**

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

### **Article 9 Fines**

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

### **Article 10 Indemnification**

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

### **Article 11 Operation of Animal Shelter Facilities**

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

**I. OPERATIONS:**

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

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

## **II. FEES:**

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

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

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

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

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

**IV. DISCHARGE:**

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

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

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



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

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

#### **Article 12 Dangerous or Nuisance Dogs**

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

#### **Article 13 Miscellaneous**

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

TOWN OF WEST NEWBURY  
By Board of Selectmen

CITY OF NEWBURYPORT  
By City Council

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Dated: \_\_\_\_\_

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Dated: \_\_\_\_\_

**Amendment to Contract**

**City of Newburyport and Town of West Newbury**

**Intermunicipal Agreement for the Administration of Shared Animal Control Services**

This amendment (the "Amendment") is made by the City of Newburyport and the Town of West Newbury, parties to the agreement Intermunicipal Agreement for the Administration of Shared Animal Control Services dated July 1, 2017, amended on \_\_\_\_\_, 2017.

The Agreement is amended as follows:

**Article 5. Funding Contribution**

During the Fiscal Year 2018 (July 1, 2017 – June 30, 2018), the Town of West Newbury shall pay the City of Newburyport for animal control services a total sum of \$21,500 to be paid in four equal quarterly payments of \$5,375 on or before August 1, November 1, February 1 and May 1. This payment shall include the all applicable expenses incurred by the City of Newburyport in providing Animal Control Services on behalf of the participating Governmental Units, including, but not limited to, salaries, group health insurance, workers' compensation insurance, and all other applicable benefits. Nothing herein shall prevent the parties from mutually agreeing in writing to change the funding contribution during the initial term or any extended term of this agreement, subject to available appropriation.

## LICENSE & PERMIT COMMITTEE ITEMS

June 26, 2017

COMM071 - 06- 12 - 17 A-Frames- Firehouse Center for the Atis

COMM072\_06\_12\_17 Table in Market Square- Exchange Club- 8/19, 8/26

COMM074\_06\_12\_17 A-Frames- Harbor Creamery



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NEWBURYPORT, MA

LAP

2017 JUN -6 PM 1:43

Louis Rubenfeld  
*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*

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

**Board of Directors**

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

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*

Please find our attached Application for Movable Signage on Public Property. I appreciate your attention to this matter and welcome further contact should any questions arise regarding our request.

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**

CITY CLERK'S OFFICE  
 NEWBURYPORT, MA  
 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 8<sup>th</sup> Annual Field of Honor Program taking place at the Bartlett Mall on September 6-13<sup>th</sup> 2016. In addition visitors will have the opportunity to purchase a flag to be dedicated at a ceremony on Sunday September 11<sup>th</sup>.

The requested dates are as follows:

Saturday August ~~12<sup>th</sup>~~ 26<sup>th</sup>  
 Saturday August 19<sup>th</sup>

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

Respectfully,

Ben Iacono  
 Chairman, Field of Honor Flag Sales

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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

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 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 explanation.

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).

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

**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"/> <b>COMMERCIAL GENERAL LIABILITY</b> <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 - COM/OP AGG \$ 2,000,000 Employee Benefits \$
	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input type="checkbox"/> <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <input type="checkbox"/> <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED    RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> 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.

<b>CERTIFICATE HOLDER</b>  City of Newburyport 60 Pleasant Street Newburyport, MA 01950	<b>CANCELLATION</b>  SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	<b>AUTHORIZED REPRESENTATIVE</b>  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 cursive script that reads "Merri-Lee Steeves".

Merri-Lee Steeves

Owner, Harbor Creamery LLC

PUBLIC SAFETY COMMITTEE ITEMS  
JUNE 26, 2017

- **ORDR019\_04\_24\_17** Stop Signs at Temple and Fair
- **COMM075\_06\_12\_17** Block Party - Dove Street - 8/5
- **ORDR033\_06\_12\_17** Stop Sign at Plummer Ave
- **ORDR034\_06\_12\_17** Handicapped Parking Space – 40 Market Street

CITY OF NEWBURYPORT



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IN CITY COUNCIL

**ORDERED:**

April 24, 2017

**AN ORDER TO DESIGNATE STOP SIGNS AT THE INTERSECTION OF TEMPLE STREET AND FAIR STREET**

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 4	Stop and Yield Intersections
Section 13-136	Stop signs designated.

Pursuant to Section 13-136 of the Newburyport Code, the intersection of Temple Street (one-way northwesterly) and Fair Street (two-way, running southwesterly and northeasterly) shall be a three-way stop, with stop signs at the northerly, easterly, and southerly corners.

---

Councillor Jared J. Eigerman

**In City Council May 8, 2017:**

Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed

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 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: Melissa 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:

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. *yes* 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] *6/1/17*

[Signature] *6/1/17*

[Signature]

[Signature]

City use only:

Approved \_\_\_\_\_ -Denied \_\_\_\_\_ Date \_\_\_\_\_

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

PS

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:*

<u>Market Street</u>  <u>One (1) space at 40 Market Street through June 30, 2019.</u>
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\_\_\_\_\_  
Councillor Robert J. Cronin