

CITY COUNCIL MEETING AGENDA - VERSION 1
CITY COUNCIL CHAMBERS
MAY 8, 2017

7:15PM

Capital Improvement Program Hearing

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

April 24, 2017

(Approve)

April 27, 2017

(Approve)

8. TRANSFERS

- **TRAN025_05_08_17** Mult Accnts \$98K to LED Streetlight Conversion \$98K (B&F)
- **TRAN026_05_08_17** Lib Sal Staff \$10K to Lib Maint - Equipment \$10K (B&F)
- **TRAN027_05_08_17** Fir Fuel/Oil Vehicles \$15K to Fir Maint - Vehicles \$15K (B&F)

9. COMMUNICATIONS

- **COMM051_05_08_17** FY2018 Proposed Budget (B&F)
- **COMM052_05_08_17** Outdoor Seating Application – Mandarava (L&P)
- **COMM053_05_08_17** Outdoor Seating Application - Dos Amigos Burritos (L&P)
- **COMM054_05_08_17** Ride to End Alzheimer's - 6/24/17 (PS)
- **COMM055_05_08_17** Lafayette Street Block Party - 7/29/17 (PS)

10. APPOINTMENTS

- **NONE**

END OF CONSENT AGENDA
REGULAR AGENDA

11. MAYOR'S UPDATE

12. APPOINTMENTS

Second Reading

- **APPT032_04_24_17** David St. Cyr 25 Tyng St NRA 4/1/2018

Re-Appointments

- **APPT033_04_24_17** Kevin Hunt 14 10th St Veterans Agent 4/1/2018
- **APPT034_04_24_17** Barry J. McBride 5 Pine St Asst Wiring Inspector 5/1/2018

13. ORDERS

- **ORDR024_05_08_17** Parking Restricted Fair Street at Middle Street

14. ORDINANCES

- **ODNC005_05_08_17** Update of Rules for Special Events

15. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR002_01_25_16** Accept Gift of \$25,000 Repairing Brown's Wharf Culvert (**COTW**)
- **ORDR009_02_08_16** Increase Fees for Fire Dept.
- **ORDR010_02_08_16** Increase Fines Parking Violations
- **ORDR039_05_31_16** Increase Hourly Parking Rate to \$1.50
- **ORDR079_09_26_16** Movie Location Order (**L&P**)
- **ORDR080_09_26_16** **LATE FILE** Order of Taking Parking Facility (**P&D**)
- **TRAN005_02_27_17** Free Cash 25K to Dog Park Project 25K
- **ORDR010_02_27_17** Dog Park Grant Acceptance
- **COMM031_03_28_17** FY17-FY21 Capital Improvement Program Submission (**COTW**)
- **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
- **TRAN021_04_24_17** General Fund \$20K to Ins FICA Payroll Taxes \$20K
- **TRAN022_04_24_17** PI Utility Fund \$2,030,765 to PI Hydrant Replacement 1.9M, SEW Municipal Insurance \$130,765 (**PU**)
- **TRAN023_04_24_17** General Fund \$15,735.83, Wtr Retained Earnings 7,224.95, Swr Retained Earnings 3,945.12 to Retire Approp \$26,905.90 (**PU**)
- **ORDR021_04_24_17** Bond Premium Order

General Government

In Committee:

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

Joint Education

In Committee:

License & Permits

In Committee:

- **COMM010_01_25_16** Licensing Commission Acoustic & Amplified Entertainment
- **ODNC011_05_31_16** Amend Transient Vendors for Cashman (**COTW**)
- **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

Neighborhoods and City Services

In Committee:

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

Planning & Development

In Committee:

- **COMM076_07_11_16** **LATE FILE** Boyd Drive Petition
- **ORDR080_09_26_16** **LATE FILE** Order of Taking Parking Facility **(B&F)**
- **COMM091_10_11_16** Ltr to Council from J. Sweet on ZBA
- **COMM096_10_31_16** Draft of Newburyport's Master Plan
- **COMM114_12_12_16** Memo on Master Plan - Work Plan and Appendix XX
- **COMM023_02_27_17** Zoning Changes to Waterfront West **(COTW)**
- **COMM024_03_13_17** Newburyport's Master Plan - Final Document **(COTW)**
- **COMM030_03_28_17** Pres. Trust Ltr to City Council re: 1690 House
- **COMM034_03_28_17** Evergreen Special Permit Issued by Planning Board
- **COMM035_03_28_17** Rules of Professional Conduct Rule 3.9
- **COMM038_03_28_17** Lower Custom House Way
- **ORDR015_04_10_17** Complete Streets Policy **(PU)**
- **ODNC003_04_10_17** Zoning Amendment - Hardship for Variances
- **ODNC004_04_10_17** Zoning Amendment - Zoning Administrator
- **ORDR018_04_24_17** Parking License between the City and the USPS **(PS)**

Public Safety

In Committee:

- **ODNC015_08_29_16** 25 MPH Speed Zones
- **ORDR077_09_12_16** Parking Restricted on Daniel Lucy Way
- **ORDR012_02_27_17** Update of Rules for Special Events
Should have been an ordinance
- **COMM037_03_28_17** 7th Annual GNOCA 5K Walk - 9/24/17
- **COMM046_04_10_17** 60th Yankee Homecoming - 7/29-8/6
- **COMM048_04_24_17** Ltr from Merchants re: Downtown Events **(N&CS)**
- **COMM049_04_24_17** Coast to the Cure Bike Ride - 9/9/17
- **ORDR018_04_24_17** Parking License between the City and the USPS **(P&D)**
- **ORDR019_04_24_17** Stop Signs at Temple and Fair
- **ORDR020_04_24_17** No Parking, Plum Island Turnpike, Right Turning Lane

Public Utilities

In Committee:

- **COMM060_05_31_16** Mobilitie, LLC Highway Access Permit
- **ODNC002_03_28_17** Amend Sec 2 – 368, 14 – 32, Water and Sewer Board
- **ORDR015_04_10_17** Complete Streets Policy **(P&D)**

- **TRAN022_04_24_17** PI Utility Fund \$2,030,765 to PI Hydrant Replacement 1.9M, SEW Municipal Insurance \$130,765 **(B&F)**
- **TRAN023_04_24_17** General Fund \$15,735.83, Wtr Retained Earnings 7,224.95, Swr Retained Earnings 3,945.12 to Retire Approp \$26,905.90 **(B&F)**

Rules Committee

In Committee:

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

16. GOOD OF THE ORDER

- 17. EXECUTIVE SESSION** - - pursuant to G.L. c. 30A, s 21(a)(6) to consider the purchase, exchange, lease or value of real estate, and G.L. c. 30A, s 21(a)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the negotiating or litigating position of the public body and the chair so declares - 18 Boyd Drive and 81-83 Merrimac Street and 90 Pleasant St; votes may be taken.

18. ADJOURNMENT

CAPITAL IMPROVEMENT PROGRAM HEARING

TV media center, liquor cabinet, recliner, rocker, sofa & chair, futon, pendulum wall clock, 5 drawer dresser. Cash only. 978-922-8985

GARAGE SALE

AMESBURY - Merrimack Landing Multi Family Yard Sale Sun. 4/23, 8 to 12. Riverfront Drive. Furniture, housewares, kids clothes, toys, jackets, bikes, boots, sports equipment & more

BEVERLY, 366 Elliott St.; Storage unit clear out! Sat. 4/22 9-3. Sm. furnishings, antiques, housewares toys, clothes, & more.

BEVERLY, MA: Sat. APRIL 22nd. 9am-2pm - Rummage/Yard Sale, LIVING FAITH MUM
2 Dane St., Corner of Dane & Cabot St. Clothes, pocketbooks, yarn, shoes, linens, rugs, books, & yard sale items.

BEVERLY - Sat. 9am-2pm. 38 Giles Ave. Indoor Yard Sale. Contents of home. Some furniture, glassware, golf clubs, kitchenware, old records, holiday decor, etc

GLOUCESTER -
23 High St. Lanesville
Sat. 4/22, 9am-1pm.
Furniture, antiques, clothing, etc..

GLOUCESTER - Garage sale Sat. 4/22 from 12 noon to 4 pm (NO EARLY BIRDS) 19 Pearl St. Old brass fire extinguishers, collectibles, stereo equipment, drum sets, 3 speed bikes & more
All proceeds benefit Sepsis Alliance

GLOUCESTER, MA
Estate Sale
Sat. & Sun.
4/22 & 4/23 (9-3)
31 Eastern Point Rd.
Details at:
www.capeannauction.com

Retail \$700 looking for best offer Great cond Call (978) 531-7308 between 10 am - 6pm.

KIDS BEDROOM FURNITURE Girls bed \$200. Mattress with box spring \$100. Bureau with mirror \$100. Good condition 9783146162.

MOTORIZED SCOOTER Pride Go-Go Elite Traveler Plus, 4V battery (2 12-Volt) with added accessories. Best offer. 978-281-0121,

ROSE OF SHARON TREES - 2 ft. to 8 ft. From \$2 to \$15 each. Buy 2 get one of equal size free Call 978-686-0770

Sport Cards & Collectibles
Paying Cash
Bill (603) 508-8680

STA-RITE SYSTEM 2 filtration earth pool filter with 1 HP pump. \$150.
POOL VACUUM with hose, 2 skimmers \$25.
CALL 978-535-7574

45 RPM Juke Box

NSM240 -Runs good, extra 45rpm records included. \$1000/best. Call 978-374-0192

PETS & FREE PETS

AKC German Shepherd

PUPS. BLACK & TANS, SOLID BLACKS & SABLES available. Big Bone Puppies; Parents on premises. farm raised 1st shots + vet checked. Ready to Go. \$1000 each males & females. Payment plans available. 603- 895-9540

ATTENTION! ATTENTION!

Beware of anyone replying to your ad offering to send you a check for shipping and you sending them back the difference.
Also beware when responding to classified ads that ask you to send shipping cost.
Possible scam!

BMW, 328i 2011. 49.8K mi. Silver 4DR Sedan, Premium Pkg, leather, auto, moonroof, NAV, Satellite Radio, Bluetooth. BMW dealer maintained. Come see & drive to appreciate. \$16,900. Call Mike (617)686-3522.



BUICK LACROSSE Premium 2 2012 - 4 door luxury sedan. Sharp red ext. One owner, clean carfax. This Buick is loaded with all power, leather, navigation, panoramic roof & much more. Low miles & in pristine condition. Priced at only \$15,900. Call today 978-462-3088

PUBLIC NOTICES

PUBLIC NOTICES

Public Hearing at City Council Chamber, City Hall, 60 Pleasant Street, Newburyport, MA at 7:15 pm on May 8, 2017 on the Capital Improvement Program. There is a full copy of the Capital Improvement Program available for inspection by the public in the City Clerk's Office, City Hall, 60 Pleasant Street, Newburyport, MA.
NT- 4/22/17

Saturday, April 22 2017

14 Saturday, April 22, 2017 THE DAILY NEWS

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LIFEGUARDS

rently available full season. \$2,850/mo

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
APRIL 24, 2017

7:30PM

The City Clerk hand delivered notice of a Special Council Meeting to be held on Thursday, April 27th, at 6:00pm. The City Council President called the meeting to order at 7:30pm. A moment of silence was held for Mary Ellen Clarkson, Leonidas Chetsas, Thomas Smolski ____, followed by the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Vogel, Zeid, Cameron, Connell, Cronin, Earls, Eigerman, Giunta, Tontar, OBrien. 10 present, (Devlin).8:10 PM

(Sound Check)

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

1. Ahmer Ibrahim	85 Prospect St	HRC Statement
2. John Harwood	66 Church St	HRC Statement
3. David St. Cyr	25 Tyng St	NRA
4. Owen Davis	8 Warren St	Education
5. Luke Nelson	25 Harding Ave	HRC Statement
6. Rob Germinara	2 Ashland St	NRA

6. MAYOR'S COMMENT

CONSENT AGENDA

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7. APPROVAL OF MINUTES

April 10, 2017

(Approve)

8. TRANSFERS

- **TRAN021_04_24_17** General Fund \$20K to Ins FICA Payroll Taxes \$20K (B&F)
- **TRAN022_04_24_17** PI Utility Fund \$2,030,765 to PI Hydrant Replacement 1.9M, SEW Municipal Insurance \$130,765 (B&F, PU)
- **TRAN023_04_24_17** General Fund \$15,735.83, Wtr Retained Earnings 7,224.95, Swr Retained Earnings 3,945.12 to Retire Approp \$26,905.90 (B&F, PU)

9. COMMUNICATIONS

- **COMM048_04_24_17** Ltr from Merchants re: Downtown Events
Removed from Consent Agenda by Councillor Vogel. Motion to receive and file by Councillor Vogel, seconded by Councillor Earls. Withdrawn. Motion to refer to Public Safety and Neighborhood & City Services by Councillor Vogel, seconded by Councillor Zeid. So voted.
- **COMM049_04_24_17** Coast to the Cure Bike Ride - 9/9/17 (PS)

10. APPOINTMENTS

- **APPT032_04_24_17** David St. Cyr 25 Tyng St NRA 4/1/2018

Re-Appointments

- **APPT033_04_24_17** Kevin Hunt 14 10th St Veterans Agent 4/1/2018
- **APPT034_04_24_17** Barry J. McBride 5 Pine St Asst Wiring Inspector 5/1/2018

END OF CONSENT AGENDA REGULAR AGENDA

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

11. MAYOR'S UPDATE

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

12. APPOINTMENTS

Second Reading

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

Motion to approve by Councillor Cameron, seconded by Councillor Zeid. Roll call vote, 10 yes, 1 absent (Devlin). Motion passed.

13. ORDERS

- **ORDR018_04_24_17** Parking License between the City and the USPS
Motion to refer to Planning & Development and Public Safety by Councillor Eigerman, seconded by Councillor Cameron. So voted.
- **ORDR019_04_24_17** Stop Signs at Temple and Fair
Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Cameron. So voted.
- **ORDR020_04_24_17** No Parking, Plum Island Turnpike, Right Turning Lane
Motion to refer to Public Safety by Councillor Zeid, seconded by Councillor Cameron. So voted.
- **ORDR021_04_24_17** Bond Premium Order
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **ORDR022EP_04_24_17** Resolution Recognizing NHS 2017 Valedictorian and Salutatorian
Motion to approve the emergency preamble by Councillor Zeid, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion passed.
- **ORDR022_04_24_17** Resolution Recognizing NHS 2017 Valedictorian and Salutatorian
Motion to approve by Councillor Zeid, seconded by Councillor Cameron. Roll call vote, 11 yes. Motion passed.

14. ORDINANCES

- NONE

15. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR002_01_25_16** Accept Gift of \$25,000 Repairing Brown's Wharf Culvert (**COW**)
- **ORDR009_02_08_16** Increase Fees for Fire Dept.
- **ORDR010_02_08_16** Increase Fines Parking Violations

- **ORDR039_05_31_16** Increase Hourly Parking Rate to \$1.50
- **ORDR079_09_26_16** Movie Location Order (**L&P**)
- **ORDR080_09_26_16 LATE FILE** Order of Taking Parking Facility (**P&D**)
- **TRAN005_02_27_17** Free Cash 25K to Dog Park Project 25K
- **ORDR010_02_27_17** Dog Park Grant Acceptance
- **COMM031_03_28_17** FY17-FY21 Capital Improvement Program Submission (**COW**)
- **COMM032_03_28_17** Line Items Reduced in FY17 Adopted Budget
- **TRAN012_04_10_17** Sewer Ret. Earn. 66,625.19, CIP WWTF Fence 12,358.05, CIP WWTF Improvements 11,016.76 to Pump&Valve Replacements 90K (**PU**)
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron.
Motion to remove from Public Utilities by Councillor Zeid, seconded by Councillor Eigerman. Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **TRAN013_04_10_17** Rsv Appr I/I Fees 250K to Sewer & Manhole 250K (**PU**)
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron.
Motion to remove from Public Utilities by Councillor Eigerman, seconded by Councillor Vogel.
Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **TRAN014_04_10_17** Water Ret. Earn. 115K to WTP Sump Pump Repair 50K, Artichoke Pump Station Roof Repairs 25K, Sludge Removal in Lagoons 40K (**PU**)
Motion to remove from Budget & Finance and Public Utilities collectively by Councillor Tontar, seconded by Councillor Eigerman. Motion to approve by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **TRAN015_04_10_17** Free Cash 45K to Medicare Part B Reimbursement 45K
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron.
Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **TRAN016_04_10_17** Free Cash 46,830 to Purchase of Pickup w/ Plow 46,830
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Connell.
Motion to approve by Councillor Tontar, seconded by Councillor Connell. So voted.
- **COMM041_04_10_17** Annual Audit of FY16 Financial Statements
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Motion to receive and file by Councillor Tontar, seconded by Councillor Zeid. So voted.
- **TRAN018_04_10_17** Multiple Accounts \$300K to Nock/Molin Parking Lot Repairs \$300K
- **TRAN019_04_10_17** Multiple Accounts \$88.5K to Communication System \$88.5K
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron.
Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted.
- **TRAN020_04_10_17** Multiple Accounts \$52.5K to Information Technology Hardware \$52.5K
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Cameron.
Motion to approve by Councillor Tontar, seconded by Councillor Cameron. So voted.

General Government

In Committee:

- **ORDR005_01_30_17** Human Rights Commission Resolution (**COW**)
Motion to remove from General Government and Committee of the Whole by Councillor Vogel, seconded by Councillor Zeid. Motion to approve by Councillor Cameron, seconded by Councillor Zeid. Roll call vote, 11 yes. Motion passed.
- **APPT025_03_13_17** Leah McGavern | 21 Marlboro St | Planning Board | 5/31/2022 (**P&D**)
Motion to waive the rules, by Councillor Cameron, seconded by Councillor Vogel. So voted. Motion to remove from General Government and Planning & Development collectively by Councillor Vogel,

seconded by Councillor Cameron. So voted. Motion to approve by Councillor Cameron, seconded by Councillor Vogel. Roll call vote, 11 yes. Motion passed.

- **APPT027_03_13_17** Bonnie Sontag | 10 Upland Rd | Planning Board | 5/31/2022 **(P&D)**
- **ORDR016_04_10_17** Extension of Intermunicipal Agreement for Shared Animal Control

Joint Education

In Committee:

License & Permits

In Committee:

- **COMM010_01_25_16** Licensing Commission Acoustic & Amplified Entertainment
- **ODNC011_05_31_16** Amend Transient Vendors for Cashman **(COW)**
- **ORDR079_09_26_16** Movie Location Order **(B&F)**
- **ODNC001_01_30_17** BYOB Ordinance
- **COMM028_03_13_17** **LATE FILE** Ltr from Smitten LLC re: A-Frames
- **COMM0042_04_10_17** Outdoor Seating Application - Harbor Creamery
Motion to remove from License & Permit by Councillor Vogel, seconded by Councillor Zeid. Motion to approve by Councillor Vogel, seconded by Councillor Zeid. So voted.

Neighborhoods and City Services

In Committee:

- **ODNC001_01_11_16** Amend Ch11 Parks and Recreation **(COW)**
- **ORDR048_06_13_16** Sidewalk Order

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)**
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- **COMM023_02_27_17** Zoning Changes to Waterfront West **(COW)**
- **COMM024_03_13_17** Newburyport's Master Plan - Final Document **(COW)**
- **APPT025_03_13_17** Leah McGavern | 21 Marlboro St | Planning Board | 5/31/2022 **(GG)**
- **APPT027_03_13_17** Bonnie Sontag | 10 Upland Rd | Planning Board | 5/31/2022 **(GG)**
- **COMM030_03_28_17** Pres. Trust Ltr to City Council re: 1690 House
- **COMM034_03_28_17** Evergreen Special Permit Issued by Planning Board
- **COMM035_03_28_17** Rules of Professional Conduct Rule 3.9
- **COMM038_03_28_17** Lower Custom House Way
- **ORDR015_04_10_17** Complete Streets Policy **(PU)**
- **ODNC003_04_10_17** Zoning Amendment - Hardship for Variances
- **ODNC004_04_10_17** Zoning Amendment - Zoning Administrator

Public Safety

In Committee:

- **ODNC015_08_29_16** 25 MPH Speed Zones
- **ORDR077_09_12_16** Parking Restricted on Daniel Lucy Way

- **ORDR012_02_27_17** Update of Rules for Special Events
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Cameron.
Motion to approve by Councillor Cronin, seconded by Councillor Cameron. So voted.
- **COMM036_03_28_17** Unicorn Street Block Party - 6/3/2017
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Tontar. Motion to receive and file by Councillor Cronin, seconded by Councillor Tontar. So voted.
- **COMM037_03_28_17** 7th Annual GNOCA 5K Walk - 9/24/17
- **COMM044_04_10_17** PMC Greater Newburyport Kids' Ride - 6/11/17
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Zeid. Motion to approve by Councillor Cronin, seconded by Councillor Zeid. So voted.
- **COMM045_04_10_17** Flag Day 5K - 6/10/17
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Cameron.
Motion to approve by Councillor Cronin, seconded by Councillor Cameron. So voted.
- **COMM046_04_10_17** 60th Yankee Homecoming - 7/29-8/6

Public Utilities

In Committee:

- **COMM060_05_31_16** Mobilitie, LLC Highway Access Permit
- **ODNC002_03_28_17** Amend Sec 2 – 368, 14 – 32, Water and Sewer Board
- **TRAN012_04_10_17** Sewer Ret. Earn. 66,625.19, CIP WWTF Fence 12,358.05, CIP WWTF Improvements 11,016.76 to Pump&Valve Replacements 90K **(B&F)**
- **TRAN013_04_10_17** Rsv Appr I/I Fees 250K to Sewer & Manhole 250K **(B&F)**
- **TRAN014_04_10_17** Water Ret. Earn. 115K to WTP Sump Pump Repair 50K, Artichoke Pump Station Roof Repairs 25K, Sludge Removal in Lagoons 40K **(B&F)**
- **ORDR015_04_10_17** Complete Streets Policy **(P&D)**

Rules Committee

In Committee:

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

16. GOOD OF THE ORDER

Councillor Zeid- stated there would be a Plum Island Meeting Thursday, May 4, 2017 6 pm Pita Hall agenda: beach access and improvement

Councillor Tontar- stated there would be a hearing as required by the Charter on the Capital Improvement Program on May 8, 2017 at 07:15pm

Councillor Eigerman - stated there would be a Human Rights / Peace Awards nights on Wednesday, April 26th at 6:30 pm in the City Hall Auditorium

President O'Brien – Appointed the following Councillors to the Human Rights Adhoc Committee: Councillor Cameron, Councillor Eigerman and Councillor Vogel

17. EXECUTIVE SESSION

18. ADJOURNMENT

Motion to adjourn by Councillor Cameron, seconded by Councillor Tontar. So voted. 8:50pm.

CITY COUNCIL SPECIAL MEETING MINUTES - VERSION 1

APRIL 27, 2017

6:00PM

Councillor Connell (President pro tempore) called the meeting to order at 6:00 pm and the Pledge of Allegiance was recited. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Zeid, Cameron, Connell, Cronin, Devlin, Earls, Eigerman, Giunta, Tontar. 9 present, 2 absent (Vogel, OBrien).

(Sound Check)

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

3. CALL TO ORDER

4. LATE FILE ITEMS

1. ORDR023EP_04_27_17 Emergency Preamble for Taking and Appropriation
2. ORDR023_04_27_17 Order of Taking – 18 Boyd Drive
3. TRAN024_27_17 Transfer Water Ret Earnings to Payment of Damages, 114,500

Motion to Waive the Rules and Accept the Late Files, EC/RC 9Y/2A

5. PUBLIC COMMENT

- | | | |
|-------------------|-------------|----|
| 1. Jeff Koen | 16 Boyd Dr | #8 |
| 2. Hannah Koen | 16 Boyd Dr | #8 |
| 3. Donna Koen | 16 Boyd Dr | #8 |
| 4. Dan Koen | 16 Boyd Dr | #8 |
| 5. Lisa Mead | 30 Green St | #8 |
| 6. Chip Hall | 5 Brown St | #8 |
| 7. Jim Goodwin | 5 Brown St | #8 |
| 8. Ann Marie Vega | 21 Boyd Dr | #8 |
| 9. David Marino | 7 Boyd Dr | #8 |
| 10. Ted Geary | 9 Boyd Dr | #8 |

REGULAR AGENDA

- 6. COMM050_04_27_17 OPEN MEETING LAW COMPLAINT**, April 24, 2017, Evergreen Commons, LLC (Lisa Mead, Esq.) – receive and review complaint; referral to City Solicitor for response.

Motion to Refer to City Solicitor, CT/EC 9Y/2A

- 7. EXECUTIVE SESSION-** pursuant to G.L. c. 30A, s 21(a)(6) to consider the purchase, exchange, lease or value of real estate, and G.L. c. 30A, s 21(a)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the negotiating or litigating position of the public body and the chair so declares - 18 Boyd Drive; votes may be taken.

Motion to Go into Executive Session pursuant to G.L. c. 30A, s 21(a)(6) to consider the purchase, exchange, lease or value of real estate, and G.L. c. 30A, s 21(a)(3) to discuss strategy

with respect to litigation - 18 Boyd Drive, EC/CT 9Y/2A Note: the President stated that the Council will be coming back out to Open Session.

8. **OPEN SESSION** -to consider, ratify, authorize, and confirm a proposed eminent domain taking of a temporary non-exclusive easement in property located at 18 Boyd Drive and the appropriation of funds as damages pursuant to said eminent domain taking; votes may be taken. **Motion to yield the floor to the City Solicitor who will ask the Evergreen property owner, Dan Keon, if the City could drill on the property for no monies under the same order of taking passed at the April 10, 2017 meeting. JE/SZ 9Y/2A** Discussion followed. There was no agreement reached.

1. **ORDR023EP_04_27_17** Emergency Preamble for Taking and Appropriation
Motion to Approve the Emergency Preamble for both the Order of Taking and the Transfer 024, JE/EC, Motion Fails on Roll Call vote, 7Y/2N(SZ,JD)/2A
2. **ORDR023_04_27_17** Order of Taking – 18 Boyd Drive
Motion to Refer to P&D, PU, COTW, RC/JD 9Y/2A
3. **TRAN024_27_17** Transfer Water Ret Earnings to Payment of Damages, 114,500
Motion to Refer to B&F, COTW, RC/SZ 9Y/2A

Councillor Tontar moved to rescind and declare abandoned that temporary easement acquired by the City of Newburyport pursuant to an order of taking executed by said Council on April 10, 2017, and recorded with the Southern Essex Registry of Deeds in Book 35790, Page 588, in the following property:

Address: **18 Boyd Drive**, Newburyport, Essex County, MA

Owner of Record: DDJH LLC

Reference: Book 29288, Page 376.

Seconded by Councillor Zeid, On a Roll Call Vote, 8Y, 1N(EC), 2A

Councillor Cronin moved to Reconsider, Seconded by Councillor Tontar, So Voted

Councillor Cronin, Seconded by Councillor Tontar moved to waive the Rules and to rescind and declare abandoned that temporary easement acquired by the City of Newburyport pursuant to an order of taking executed by said Council on April 10, 2017, and recorded with the Southern Essex Registry of Deeds in Book 35790, Page 588, in the following property:

Address: **18 Boyd Drive**, Newburyport, Essex County, MA

Owner of Record: DDJH LLC

Reference: Book 29288, Page 376.

and the award of damages in the amount of \$114,500 and authorize the President of the Council and the Mayor to sign any and all documents and take any other action necessary or convenient to carry out this vote. Roll Call vote, 9Y/2A.

9. **GOOD OF THE ORDER**

10. **ADJOURNMENT**

Motion to Adjourn, SZ/EC So Voted at 8:55 pm

TRANSFERS



City of Newburyport

FY 2017

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2017 MAY -2 PM 1:48

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor

Date Submitted: 5/8/2017

Transfer From:

Account Name	Multiple (see attached)	YTD Bal:	\$ -
Account Number:	-	Trans In:	\$ -
Amount:	\$98,000.00	Trans Out:	\$ -
Why are Funds Available:	See attached account listing.		

Transfer To:

Account Name	LED Streetlight Conversion	YTD Bal:	\$ -
Account Number:	New	Trans In:	\$ -
Amount:	\$98,000.00	Trans Out:	\$ -
Why are Funds Required:	See attached memorandum.		

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

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

Transfer Request to Fund LED Streetlight Conversion
May 8, 2017

Account	Account Number	Balance	Amount to Transfer
Green Initiatives Receipts Reserved	2755-59600	\$239,651.42	\$77,741.56
Electrical Revolving	2806-59600	\$48,734.38	\$10,000.00
Legal Fee Reimb. Receipts Reserved	2740-59600	\$3,506.07	\$3,506.07
Downtown Parking	050-59600	\$1,990.00	\$1,990.00
Boardwalk Renovation	047-59600	\$1,705.30	\$1,705.30
Harbor Docks	053-59600	\$1,500.00	\$1,500.00
Cops in Shops Receipts Reserved	2733-59600	\$950.00	\$950.00
School Building	052-59600	\$507.07	\$507.07
Open Space Receipts Reserved	2750-59600	\$100.00	\$100.00
Total			\$98,000.00



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: May 2, 2017
Subject: LED Streetlight Conversion

Update

Following the purchase of the City's streetlights in 2014 from National Grid, we are now positioned to convert these lights to Light Emitting Diode (LED) technology. This follows years of work by Molly Ettenborough, Recycling/Energy Manager and the Energy Advisory Committee to study this technology, review all of our options, and ultimately secure grant funding to make this project possible. For those of you who were not on the Council at the time of the streetlight acquisition, I have attached a memo from 2014, which provides some additional background, including the estimated annual savings of \$85,000 per year.

Over the last two years, National Grid has created a new LED streetlight tariff, which has incentivized cities and towns to upgrade their street lights. Since streetlights are not metered, there was previously no financial incentive to convert to LED technology without this lower tariff. LEDs can reduce energy use by approximately 60% as compared to our existing High Pressure Sodium (HPS) light fixtures. Estimated additional savings for the city with the upgrade will be approximately \$70,000 per year based on the new wattage usage and tariffs, which National Grid has established for LED fixtures.

Additional benefits of upgrading include: low maintenance costs, extremely long lifespan, no exposure to chemicals such as mercury as in traditional lamps, and increased brightness but warm color rendering.

As highlighted over the past year, the city has been working with George Woodbury of Lightsmart Technologies, who we also worked with during the purchase phase, to help make the switch to LED. We have run a pilot program of six different lights on Moseley Avenue for the past year and, based on feedback as well as hearing from other communities around the country, we have chosen the fixture with the warmest less-harsh white lighting. The 1,519 overhead streetlights (not any downtown decorative lights) will be upgraded. There are also 127 underground-wired streetlights in some areas of the city, which will be completed at a later date.

Funding

The city has received a \$250,000 Green Communities Grant for the upgrade and has also just been awarded another grant in the amount of \$121,000 from the Metropolitan Area Planning Commission (MAPC) as part of the Massachusetts Rapid LED Streetlight Conversion Program. In addition to those two grants, the city will receive an incentive grant from National Grid in the amount of \$60,000.

The total estimated cost for the upgrade is \$529,000 leaving a net cost of \$98,000 for the city to fund. Funding is proposed as shown below, including the close out of some old accounts with residual balances that are no longer needed. The Green Initiatives Receipts Reserved for Appropriation account is a special revenue fund that was established by the City Council in 2010 from the Nock/Molin/DPS solar project rebate to be used to develop, promote, implement and administer green activities associated with energy conservation.

Funding Source	Amount
Green Initiatives Receipts Reserved	\$77,741.56
Electrical Revolving	\$10,000.00
Legal Fee Reimb. Receipts Reserved	\$3,506.07
Downtown Parking	\$1,990.00
Boardwalk Renovation	\$1,705.30
Harbor Docks	\$1,500.00
Cops in Shops Receipts Reserved	\$950.00
School Building	\$507.07
Open Space Receipts Reserved	\$100.00
Total City Funding	\$98,000.00

Installation

The city has gone out to bid with the Town of Foxboro for installation services and has selected Coviello Electric to install all of the lights. Foxboro is currently installing their light fixtures, while we delayed our project to wait for the newer lights that are best suited to soft lighting (Cree RSW-3000k). As soon as they are in, Coviello Electric will begin the installation process to be overseen by DPS. We expect this project to be completed during summer 2017.

Maintenance and Controls

The city's electrical inspector, David Zinck, will maintain lights as needed. But on average LED maintenance is minimal. Controls can be put on streetlights for various purposes such as cameras, wi-fi, etc. However, we are not recommending the city purchase controls at this time given the additional cost and the newness of the technology. The lights, however, will be control ready for future upgrade if the city so chooses.

Public Notification

We will be updating the city's web site on the project and will also list the attached FAQs.

LED Streetlights

By the end of the summer of 2017, The City of Newburyport plans on replacing all of the city's overhead streetlights with new LED lights. Roughly 1400 city owned streetlights will be replaced, saving the city an estimated \$62,300 in operating costs annually. This is on top of the \$100,000 savings the city already has realized since purchasing the lights from National Grid in 2014. The decorative downtown lights are not part of this upgrade.

According to Lightsmart, the company chosen by the city to assist with the upgrade, the new LED lights will use 68% less electricity than the current fixtures, further reducing the municipality's greenhouse gas emissions. The new streetlights will also last four times longer than current bulbs and, unlike the current bulbs and contain no mercury, which is highly toxic to humans and other species if not disposed of properly.

The new LED streetlights will also produce less light than the current fixtures; however a person's ability to perceive objects by the LED streetlights will be an improvement over the current technology. This is because the spectrum of light provided by LED light is more compatible with human vision. Therefore, less light is needed to provide the same level of clarity. This is particularly true when compared to the yellow light produced by high-pressure sodium lamps that comprise the bulk of the city's current streetlights. One thing the new LED lamps will not do is waste any light skyward. Light will instead be directed closer to where it is actually needed.

Below you will find additional information and FAQs about the project:

1. What is the entire scope of the conversion program?

As you may know, the city has purchased it's street lights from National Grid two years ago and has been looking into upgrading to LED lighting to save the city additional funding. We have been piloting different types of LED lights which can be found on the following link

<http://www.cityofnewburyport.com/departments-of-public-services/pages/street-light-led-pilot-project>

The city will now be converting roughly 1500 city-owned streetlights along City streets to LEDs. This will not include the downtown decorative post top lamps, just the cobra head street lights that the city purchased.

2. What is an LED?

It is a Light Emitting Diode.

3. What type of streetlights did the LED streetlights replace?

The vast majority of the streetlights in Newburyport are High Pressure Sodium (HPS) cobrahead fixtures and a few were Mercury-Vapor (MV) lamps.

4. How will this conversion effect the city's energy use and budget for streetlights?

The LED streetlight upgrade will result in a 68% reduction in energy use when compared to current technology and lower the city's electric bill by about \$62,300 per year. These savings, along with a

\$69,000 rebate from National Grid, a \$250,00 Green Community grant and \$121,000 MAPC grant means this project is estimated to cost the city about \$100,000 vs. an estimated total project cost of \$530,000 and will pay for itself in less than 2 years. As a reference, the 413,647 kWh per year energy savings are enough to power 39 average Massachusetts homes.

5. What other benefits are there in an LED conversion?

LEDs last far longer than existing High Pressure Sodium (HPS) streetlights. The new LED fixtures are rated to maintain at least 70% of their light output for 100,000 hours, which is about 20 years.

The LED fixtures will reduce light pollution and lower the amount of trespass light shining onto yards and into houses.

Unlike the majority of the city's current streetlights, the LED lights will shine almost no light above 80 degrees up from vertical and zero light above 90 degrees up from vertical.

The new LED streetlights will produce 58% less light than the current HPS streetlights. However, they will look as bright as the old fixtures because the light they produce is more useful to the human eye.

While current streetlights shine light in a 360 degree circle around the light, the new LED fixtures will shine light predominately up and down the street, greatly reducing the amount of light trespass into yards and windows.

Because they use less energy, LEDs also help to reduce greenhouse gas emissions. Switching to LED streetlights will reduce the city's greenhouse gas emissions by approximately xxx metric tons of CO₂ per year.

Light from the LED streetlights make colors look brighter and more "true" to natural color. Trees look green instead of brown, a blue car looks blue instead of grey. Due to this improved color rendition things appear brighter and sharper under LEDs which is why police and other safety personnel prefer LEDs.

6. What does color temperature mean?

Color temperature of lighting is measured in Kelvin (K) units. Lower temperatures are warmer and yellower; higher temperatures are cooler and bluer. Our existing high pressure sodium (HPS) streetlights have a color temperature of 2200K. LED streetlights have color temperatures ranging from 3000K or lower (warm white) to 6000K (day white). The LED streetlights that are being installed have a color temperature of 3000K, which is the warmest color LED lamp that the city can install and still receive a rebate from the electric utility.

7. Hasn't the American Medical Association (AMA) raised health concerns about LED streetlights?"

In June 2016, the American Medical Association (AMA) issued guidance for communities on selecting among LED lighting options to minimize potential harmful human and environmental effects. Newburyport has actually been waiting for the LED upgrades so that the streetlights installed by the City of Newburyport meet or exceed the AMA's recommendations.

8. Shouldn't the new LED streetlights be shielded so that drivers cannot see the source of light?

No, the new lights, which have been certified by the International Dark Sky Association to be a fully-shielded, full-cutoff fixture, are designed to provide a smooth transition from the brightest area of light directly under a lamp to the dimmest area between lamps. Adding extra shielding to prevent light from shining up and down the street would result in sharp transitions from bright areas to dark areas along the road. This would inhibit drivers and pedestrians located under the streetlight from clearly seeing cars and people located in the darker areas of the road. The source of light in an LED streetlight is directed downward enough to avoid causing drivers from experiencing disability glare from the light. In addition, the city has chosen a uniquely designed fixture where the light from the LED is optically distributed and the LED is not directly visible. This unique design from Cree helps reduce glare.

9. Will new LED streetlights produce unwanted spill light?

No, the new lights reduce unwanted spill light into homes and properties as most of the light is directed up and down the street. However, if a homeowner reports that there is light coming directly into their home from the new LEDs, the homeowner can request that the city evaluate the light to see if it fits the criteria to have a shield installed on the streetlight to control the unwanted light.

10. How do I report an LED outage or request a house shield?

To request action on a street light please see the following link

<http://www.cityofnewburyport.com/departments-of-public-services/pages/how-to-request-action-on-a-street-light> . You can either submit your request online, or call the Department of Public Services at 978-465-4464 to report action needed.

11. Does the City use LEDs for any other fixtures currently?

Yes. The Schools, Senior Center, and Green Street parking lot already are using LED lights. There are also some scattered throughout the city that have replaced old fixtures since we purchased them two years ago.

12. How did the City determine streetlight wattages and brightness levels?

The Energy Advisory Committee conducted an initial audit of all street lights a number of years ago when we first started to look at the street light line item. National Grid has since audited them as well and a final audit was completed just recently to prepare for the installation. This project will largely follow what was mapped then by replacing HPS streetlights with LED streetlights that have the same perceived level of brightness as the old lights. However, there are a few exceptions: lighting in downtown urban areas will receive LED streetlights of slightly lower perceived brightness than the old HPS lamps; lighting along residential streets that are used during rush hour as cut-through streets will receive the same wattage (and brightness) of streetlight as all other residential areas (these streets had brighter lamps previously); and the amount of brightness in the industrial park will be greatly reduced by using lower power and fewer streetlights.

13. Did the City consider a wireless control system that would allow dimming of the streetlights?

Yes but dimming controls are not included in the project. The current cost of wireless controls added 40% to the overall project cost. In addition, the National Grid streetlight tariff does not yet reflect savings from dimming so the City wouldn't save additional money on utility bills from

dimming. However the City is adding components to each fixture that will make the streetlights dimming control-ready so we can take advantage of the technology when the prices come down and the utility savings are guaranteed to show up on our electric bills. In the meantime, many of the streetlights will be installed at a dimmer, lower-power setting resulting in the city producing less greenhouse emissions even if we don't realize cost savings on the electric bill by doing so.

14. Will the LED streetlights result in higher levels of blue light?

Possibly, but minimally at the most. It is more likely that the new LED lights will reduce the amount of blue light produced by the City's streetlights. This is because, while the light from 3000K LED lamps contains a higher percentage of blue light than found in the light from HPS lamps, the LED fixtures will produce far less light (58% less light) than the HPS fixtures. Remember, the light from LED lamps is far more useful to the human eye, so less light is needed to provide visual clarity and the city is reducing perceived light levels in several parts of the city.

15. Is there a connection between LED streetlights and circadian sleep cycles?

The City of Cambridge posted a helpful article on streetlights and circadian sleep cycles for their LED streetlight conversion project. An Overview of Street Lights and Circadian Sleep Cycles by Dr. Steven Lockley, Harvard Medical School, Division of Sleep and Circadian Disorders provides helpful information. <http://www.cambridgema.gov/electrical/streetlightsandcircadiansleepcycles>

There is a connection between blue light levels (daylight) and circadian sleep cycles but no studies indicating streetlighting outside the home has any affect. The concerns are speculation at this point but out of caution the AMA recommended the warmer color temperature LED lights to minimize the potential impacts. Newburyport has chosen to employ the warmer color temperature as well as a light where the LED is not directly visible.

16. What other Massachusetts municipalities have converted streetlights to LED?

This is not a complete list as more cities are making the conversion every month:

Amherst, Chelsea, Natick, Weston, Arlington, Dartmouth, New Bedford, Westwood, Bedford, Fairhaven, Newton, Winchester, Boston, Fitchburg, Randolph, Winthrop, Brookline, Greenfield, Salem, Woburn, Cambridge, Hamilton, Sharon, Cape Cod (20 towns), Haverhill, Shirley, Chelmsford, Holyoke, Watertown, Foxboro, Wenham, Rowley, and North Hampton.



CITY OF NEWBURYPORT

NEWBURYPORT CITY HALL
TEL: 978-465-4410

60 PLEASANT STREET

NEWBURYPORT, MA 01950
FAX: 978-465-9958

WWW.CITYOFNEWBURYPORT.COM

MEMORANDUM

To: President and Members of the Newburyport City Council

From: Molly Ettenborough, Recycling and Energy Coordinator
Peter Lombardi, Director of Policy and Administration
Ethan Manning, Business Manager
Michael Strauss, Chairman, Energy Advisory Committee

Cc: Donna Holaday, Mayor

Date: January 2013

Re: Street Light Buy-Out

As you will recall, in 2010 the City and Mayor's Energy Advisory Committee (EAC) proposed that shutting off 30% of defined street lights would amount to a significant savings for the city. This proposal was not pursued after Committee review and in response to concerns raised by the Council and residents. At that time, we recommended developing a more comprehensive management plan for the lights and hired consultant George Woodbury to help analyze the viability of purchasing all street lights, as Massachusetts General Law permits municipalities to acquire their street lights from their local utility for the net book value of the asset. More than seventy five communities have taken advantage of this legislation since 1999. Through this acquisition process, they have seen 20% to 60% percent in savings off their annual costs.

As background, Newburyport currently pays approximately \$234,990 per year to National Grid for our 1,544 distributed street lights and 127 non-distributed poles. The original purchase price that NGrid quoted in late 2011 was \$118,350. However, this initial price did not take into account system upgrades that had been performed, but were not entered into their database. A revised price of \$128,087 was given in June 2012 that included these upgrades. After receiving the revised price, we asked them to re-evaluate based on our own city wide audit since we had found discrepancies in the number and location of lights, as well as, incorrect wattages when comparing our findings to their listing. After completing this process, in addition to shutting off 9 additional lights, National Grid submitted their final acquisition cost to the City on January 10: \$117,861.47, including \$100,444.69 for the 1417 overhead lights and \$16,922.15 for the 118 underground-serviced lights.

Insurance

The City of Newburyport has \$1 million / \$3 million general liability and \$2 million umbrella in insurance coverage. NGrid generally requires \$4 million in total coverage. However, National Grid's Insurance and Risk Group has agreed to accept our current coverage levels, saving \$3,104/year in additional insurance costs that were avoided. The City will have to pay \$582.00/year extra to include the street lights in our Statement of Values and to add National Grid as an additional insured for, both, the General Liability and Umbrella limits going forward.

Legal/Contract Review

The contract to purchase has been reviewed and signed off on by Kopelman and Paige. Over 75 communities have purchased their street lights including Beverly, Swampscott, Lynn, and Winthrop.

Maintenance

There are two primary options for maintaining Newburyport's street lights: 1) hire a maintenance firm or 2) perform the maintenance in-house. The major benefit of hiring a maintenance firm is that they have all of the equipment and personnel needed to carry-out, both, routine and emergency maintenance. The City would not need to locate supplies or layout capital for assets needed to perform the work. City resources would, however, be required to cover monthly fees, typically \$2.00 to \$3.00 per light, along with manpower needed to ensure that the work is being carried out as expected and that requests, both from the City and residents, are being handled expeditiously. In accordance with City ordinances, the inspector of wires would be responsible for managing such a maintenance contract.

In the initial period following the purchase, we feel that the costs and manpower needed to manage the contract would largely outweigh the benefits. As such, we recommend initially performing the maintenance in-house, on a trial basis, by the inspector of wires (i.e. electrical inspector) utilizing existing City resources and acquiring additional supplies/equipment on an as-needed basis. If, at any point, performing the work in-house becomes unmanageable or insufficient, the City would always have the option of inviting bids for a maintenance contract.

It is important to note that MGL Section 7 exempts the maintenance of street lighting in the public way from the supervision of licensed electricians; therefore any personnel with basic safety training could legally perform such maintenance. However, maintenance work performed on a contract basis by outside vendors would be subject to prevailing wage rate requirements.

Dedicated Underground Wired Lights

There are 118 dedicated underground poles and lights on 32 streets in the city. The City has the option to include these lights as part of this purchase process. They will provide us with the biggest savings, but the maintenance would include the pole as well as the fixture, underground feeds, conduit and bracket replacement as needed. Some towns have decided not to purchase these dedicated lights, but on average these lights have a 40 year life span. Many of these lights are located in the newer developments such as Squires Glenn, Cherry Hill, and the Storeybrook area.

Our recommendation would be to purchase these lights since they provide the largest savings and have the least risk of failure due to infrequent accidents and longevity based on install dates. However, all of the underground lights being considered for purchase are in residential areas with low speed limits. In addition, if an automobile or truck were to crash into one, regardless of location, the City can recover costs from the driver's insurance.

Maintaining the underground wiring also does not appear to be a problem. While the city will own some of the underground wiring, by regulation National Grid will still have to replace any wire that requires it. The cost of running a wire is fixed by regulation and is currently \$126. So if a wire needs replacing, the city purchases replacement wire and pays National Grid \$126 to replace it from their grid connection to a light.

Property Taxes

Subsequent to purchase, the street lighting equipment will be removed from the tax basis for the utility, which currently generates revenue for the City in the form of property taxes. Based on Newburyport's FY2013 tax rate of \$13.32, purchasing the street lights would result in a loss of \$1,570 in tax revenue. This assumption has been built into our estimated cost savings.

Upgrading

Since there is currently no reduced tariff for LED lighting, we recommend that the City hold-off on upgrading at this point since there will be no direct cost savings. We do recommend a pilot program for LEDs and other lighting when the timing is right.

Cost Savings

After purchasing the street lights, we expect to realize an annual savings of approximately \$85,808, or 37% of our current costs. In other words, over the next twenty years, the City will have saved nearly \$1.8 million. We feel that the magnitude of these savings far outweighs the additional risks and resources that arise from owning the equipment, making this a wise financial decision for the City. As the secondary goal of purchasing the street lights is to cut down on energy consumption, it is our hope that the City can put these savings towards more efficient lighting in the years to come.

Note: All of these lights will need to be put on separate fuses during the next ten years which can be done at the time of an upgrade or when being fixed.

	<u>Current Cost</u>	<u>Year 1</u>	<u>Years 2+</u>
Rent / Maintenance ⁽¹⁾	\$143,397	\$42,366	\$42,366
Power ⁽²⁾	\$91,593	\$105,245	\$105,245
Purchase Price	\$0	\$117,861	\$0
Property Tax Revenue ⁽³⁾	\$(1,570)	\$0	\$0
Total Cost	\$233,420	\$265,473	\$147,611
Net Savings	\$0	\$(32,053)	\$85,808

(1) Future maintenance costs assume \$2.00 per light/month plus 15% contingency.

(2) Assumes that power is moved from the S-1 to S-5 Tariff following acquisition.

(3) $\$117,861 \times \$13.32 / 1,000 = \$1,570$.



City of Newburyport

FY 2017

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2017 MAY -2 PM 1:47

Department: Library

Submitted by: Cynthia Dadd, Director

Date Submitted: 5/8/2017

Transfer From:

Account Name	<u>LIB SAL STAFF</u>	YTD Bal:	<u>\$ 207,768.79</u>
Account Number:	<u>01610001-51156</u>	Category:	<u>\$ 215,350.72</u>
Amount:	<u>\$10,000.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Available:	<u>A surplus is anticipated in this line item at year-end due to vacant positions</u>		

Transfer To:

Account Name	<u>LIB MAINT-EQUIPMENT</u>	YTD Bal:	<u>\$ (3,211.00)</u>
Account Number:	<u>01610002-52402</u>	Category:	<u>\$ 28,011.80</u>
Amount:	<u>\$10,000.00</u>	Trans I/O:	<u>\$ -</u>
Why are Funds Required:	<u>The Library's HVAC required additional maintenance and repairs this year, resulting in higher than anticipated expenses in this line item.</u>		

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

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



City of Newburyport

FY 2017

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2017 MAY -2 PM 1:47

Department: Fire Department

Submitted by: Christopher LeClaire, Chief

Date Submitted: 5/8/2017

Transfer From:

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

Transfer To:

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

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

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

COMMUNICATIONS



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY

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

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: May 2, 2017

Subject: FY2018 Proposed Budget

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

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

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



City of Newburyport

NEW FILING ☒
RENEW ☐

Application

Food Establishment Outdoor Seating on Public Property

Date: May 1, 2017

Name of Business Owner: Eleanor Vyn

Name of Property Owner: Newburyport Holdings / New England Development

Business Name: Mandacava

Business Address: 46 Inn Street

Business Phone: 978 465 7300

Number of Tables Requested: 2 big 4 1/2 x 1 1/2 ft Dimensions: 3 x 1 1/2 ft Material: wood + metal

Number of ~~Chairs~~ ^{BENCHES} Requested: 2 big 5 x 1 1/2 ft Dimensions: 3 x 1 1/2 ft Material: wood + metal

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

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

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

Application Requirements

Please submit the following documents with the completed application to:

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

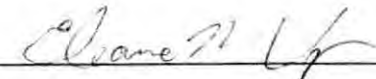
- 1) Applicants must provide evidence of liability insurance to the City Clerk with minimum coverage in the amount of one million dollars, naming the City of Newburyport as co-insured. This insurance coverage must be in force for the duration of the approved period.

Application - Food Establishment Outdoor Seating on Public Property

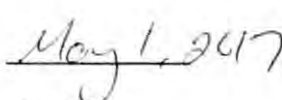
- 2) 8 1/2 x 11 sketch of outdoor seating detailing: a) measurements of tables and chairs; b) total width of sidewalk; and c) distance between proposed seating and sidewalk
- 3) Obstacles such as streetlights, signs, trees, benches, and garbage barrels.
- 4) Applicants seeking approval of outdoor seating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

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

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



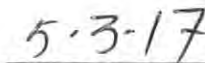
Signature of Business Owner



DATE



Signature of ADA Coordinator



DATE

Playground

Much Trees / Landscaping

1m Street Pedestrian Road

Public Drive



Lamp Post



Table 3x1/2

BENCH 3x1/2

6ft

Table 3x

BENCH 3x

6ft

Table 4 1/2 x 1 1/2

BENCH 5x1 1/2

7 1/2 ft

Aluminum Shoe Cart

13 ft
pedestrian clearance

Copplestone
Patio

1m Street
Barber



Table 4 1/2 x 1 1/2

BENCH 4 5x1 1/2

7 1/2 ft

Egress

Egress



CERTIFICATE OF LIABILITY INSURANCE

9MAND03

OP ID: DN

DATE (MM/DD/YYYY)

05/03/2017

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

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

PRODUCER John J Walsh Ins Agency, Inc P O Box 4407 Salem, MA 01970-6407 David C Bruett		CONTACT NAME: David C Bruett PHONE (A/C, No, Ext): 978-745-3300 E-MAIL ADDRESS: dbruett@walshinsurance.com FAX (A/C, No): 978-745-9557	
		INSURER(S) AFFORDING COVERAGE	
		INSURER A: The Hartford	
		INSURER B:	
		INSURER C:	
		INSURER D:	
		INSURER E:	
		INSURER F:	

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
X	GENERAL LIABILITY						
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY			08SBANX2341	04/12/2017	04/12/2018	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
	<input checked="" type="checkbox"/> Liquor Liability			08SBANX2341	04/12/2017	04/12/2018	MED EXP (Any one person) \$ 10,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						PERSONAL & ADV INJURY \$ 1,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 2,000,000
							\$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS						BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS						PROPERTY DAMAGE (PER ACCIDENT) \$
							\$
	UMBRELLA LIAB						EACH OCCURRENCE \$
	EXCESS LIAB						AGGREGATE \$
	DED						\$
	RETENTION \$						
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						WC STATUTORY LIMITS <input checked="" type="checkbox"/> OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)			08WECEI3122	02/20/2017	02/20/2018	E.L. EACH ACCIDENT \$ 500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 500,000
							E.L. DISEASE - POLICY LIMIT \$ 500,000

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

City of Newburyport is listed as additional insured

CERTIFICATE HOLDER**CANCELLATION**

City of Newburyport City Hall 60 Pleasant Street Newburyport, MA 01950	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE David C Bruett

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Cassandra G. Green

From: Mary Vyn <maryvyn@gmail.com>
Sent: Tuesday, May 02, 2017 3:00 PM
To: Cassandra G. Green
Subject: Fwd: Outdoor Seating app
Attachments: Text 33.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Yellow Category

Cassandra,
Thanks for your time with my questions today.
Attached please find our application, sketch and certificate of insurance.

Note:

The certificate mentions liquor liability because it is included in our policy but we will **not serve alcohol outside.**

Anytime we have alcohol available for purchase there will always be signs on the doors inside saying 'NO ALCOHOL BEYOND THIS POINT'.

For your information, we are in the process of becoming licensed and recently used a one day license provided by the city of Newburyport.

Have a great rest of day.
Mary

--
Mary Vyn

Joyful Kitchen Diary
Mandarava Juice Bar & Organic Kitchen
Gathered Table Events



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2017 APR 26 PM 12:03

NEW FILING ☒
RENEW ☒

No Filing in 2016
RBJ

City of Newburyport

Application

Food Establishment Outdoor Seating on Public Property

Date: 4/27/17

Name of Business Owner: Joel Harris

Name of Property Owner: Newburyport Development

Business Name: Los Angeles Burritos

Business Address: 24 Pleasant St Business Phone: (978) 255-7326

Number of Tables Requested: 3 Dimensions: 23.5" round Material: Aluminum

Number of Chairs Requested: 6 Dimensions: 22w x 21h x 24d Material: Aluminum

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

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

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

Application Requirements

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Newburyport City Hall
PO Box 550
60 Pleasant Street
Newburyport, MA 01950**

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Application - Food Establishment Outdoor Seating on Public Property

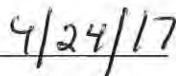
- 2) 8 1/2 x 11 sketch of outdoor seating detailing: a) measurements of tables and chairs; b) total width of sidewalk; and c) distance between proposed seating and sidewalk
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I, the undersigned Applicant or Duly Authorized Agent, hereby agree to RELEASE, DISCHARGE, and HOLD HARMLESS, the City of Newburyport, a municipal corporation of the Commonwealth of Massachusetts, and its officers, employees, agents, and servants from all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation associated with the undersigned's use of the public way as described herein.




Signature of Business Owner



DATE



Signature of ADA Coordinator



DATE

Das Amigos Burritos

Entrance — 7' —

Chair
17"

Table
24"

Chair
17"

Chair
17"

Table
24"

Chair
17"

Chair
17"

Table
24"

Chair
17"

10' 9" side wall

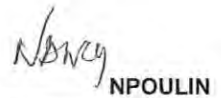
Trash
Can

Lamp
Post

St

Pleasant

2017



DATE (MM/DD/YYYY)
04/25/2017

AGENCY Clark Insurance One Sundial Ave Suite 302N Manchester, NH 03103	PHONE (A/C, No, Ext): (603) 622-2855	COMPANY AmGuard Ins co	
FAX (A/C, No): (603) 622-2854	E-MAIL ADDRESS: info@clarkinsurance.com		
CODE:	SUB CODE:		
AGENCY CUSTOMER ID #: DOSAMIG-02			
INSURED Dos Amigos Burittos LLC 1 Middle St, Ste 1 Portsmouth, NH 03801		LOAN NUMBER	POLICY NUMBER DOBP774927
		EFFECTIVE DATE 06/23/2016	EXPIRATION DATE 06/23/2017
		<input type="checkbox"/> CONTINUED UNTIL TERMINATED IF CHECKED	
THIS REPLACES PRIOR EVIDENCE DATED:			

LOCATION/DESCRIPTION
Loc # 1, Bldg # 1, 24 Pleasant St, Newburyport, MA 01950

COVERAGE INFORMATION	PERILS INSURED	BASIC	BROAD	SPECIAL	AMOUNT OF INSURANCE	DEDUCTIBLE
	COVERAGE / PERILS / FORMS					
Aggregate Limit					\$2,000,000	
Products & completed operations Limit					\$2,000,000	
BI and PD occurrence Limit					\$1,000,000	
Personal & advertising injury Limit					\$1,000,000	
Medical expense (per person) Limit					\$5,000	
Liquor liability general aggregate Limit					\$1,000,000	
Loc # 1, Bldg # 1						
Personal Property					\$89,000	1,000

NAME AND ADDRESS	<input checked="" type="checkbox"/>	ADDITIONAL INSURED	<input type="checkbox"/>	LENDER'S LOSS PAYABLE	<input type="checkbox"/>	LOSS PAYEE
		MORTGAGEE				
	LOAN #					
AUTHORIZED REPRESENTATIVE 						

4/24/17

ATTN: Autumn

1 page

617-868-6720

FOR PARADE, ROAD RACE AND WALKATHON EVENTS ONLY

PARADE _____

ROAD RACE X

WALKATHON _____

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

Alzheimer's Association

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

209 Waverly Street, Newburyport, MA 02451Autumn Hwang, 617-959-2976 or 617-868-6718

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

Same as above.4. Date of Event: 6/24/17Expected Number of Participants: 1505. Start Time: 8amExpected End Time: 12pm

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

Parker St, Grout Rd, Park St, High Rd, Itanover St7. Locations of Water Stops (if any): Riverville Brewery, Grout Rd8. Will Detours for Motor Vehicles Be Required? NO If so, where? _____9. Formation Location & Time for Participants: Rye, NH10. Dismissal Location & Time for Participants: Rye, NH

11. Additional Parade Information:

• Number of Floats: N/A• Locations of Viewing Stations: Grout Rd

• Are Weapons Being Carried:

Yes _____ No X

• Are Marshalls Being Assigned to Keep Parade Moving:

Yes _____ No X

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

CITY MARSHAL

4 Green St.

FIRE CHIEF

0 Greenleaf St.

DEPUTY DIRECTOR

15A Perry Way

CITY CLERK

60 Pleasant St.

Timeline and Overview of Event Progression

The Ride to End Alzheimer's is proposed to begin as described above. We will have volunteers along the route to assist with directions and to support the riders. All major intersections, as well as traffic control for the start of the event, will be coordinated by Reuben Kline 717-357-0126. We are not requesting any road closures or police controlled intersections aside from the start. If you feel there is a safety need to have any of the intersections on the course controlled by police, please let us know. Please also provide any additional feedback or suggestions you might have.

The event is proposed to start at 6:30 AM on Saturday June 24, 2017. At first the riders will be grouped more tightly together but because this is not a standard race the riders will spread out rather quickly. As the day goes on there will be larger gaps between the riders. We anticipate having 500 cyclists for this year's event. With an estimate of 200 riders on the 30 mile course, 200 on the 60 mile course, and 100 on the 100 mile course.

There will be a lead vehicle on the course to verify that all turns/intersections are marked appropriately. There will also be two to four other event vehicles on the course supporting cyclist. Event vehicles will obey traffic laws.

Riders do make pit stops along the route, all of which are located on land owned by private institutions. As such, we've secured permission directly from these private institutions, and will be providing liability insurance certificates to them. *In towns with no pit stops, the copies of insurance binders covering riders as they pass through your town will be kept with support vehicles the day of the event, as well as at the Alzheimer's Association.*

We are concerned about the environment and the local communities in proximity to this event. In order to ensure low-negative impact on the environment, the route will be marked with reusable, high-visibility signage. When marking route directions on pavement, we always use a water soluble spray chalk that has a limited environmental and visual impact. With regard to the local communities, we are dedicated to building appreciation for cycling in the community and do all we can to minimize impact on local residence.

INCIDENT ACTION PLAN: Ride to End Alzheimer's

The purpose of this Incident Action Plan (IAP) is to identify and mitigate any potential risks associated with the planning, implementation and successful completion of the event referenced below. The parties that are planning and coordinating this event are committed to ensuring that all participants, sponsors, community members and emergency personnel are able to partake in the event in a safe and organized manner. Prior to the event on site personnel must be advised of this action plan and their duties during an actual emergency as well as given a copy. The procedural information contained herein will be strictly adhered to.

Title of Event: "Ride to End Alzheimer's"

Date(s) of Event: June 24, 2017; Start time 6:30 AM

Event Description: Bicycle ride, non-competitive

Location: See attached maps

On scene person in charge of event:

Name: Autumn Hotaling (Event Director)

Phone numbers: 617-959-2976 -mobile

Email Address: ahotaling@alz.org

Event Coordinator/Chairperson:

Name: Reuben Kline (Course Director)

Phone Numbers: 717.357.0126

Email Address: reubenkline@hotmail.com

Medical Emergencies Procedure

For emergency call 911. All medical emergencies will be reported to Police, EMS or event personnel as soon as possible either in person or via phone. Event personnel, when notified, will call directly to 911 or notify on site EMS or Police and report the incident/problem. Responding emergency vehicles will enter the event as directed or depending on the location of the emergency a location determined by Police or EMS. The on-site person in charge or event coordinator will make sure an area is open to allow emergency personnel, vehicles and equipment to access the event grounds whenever emergency assistance is needed and this access shall be maintained throughout the event. The nearest hospital for receiving patients will be determined by the local EMS service responding to each incident (hospital address and contact information are located at the bottom of this form). If the event plan includes a private EMS provider on scene they will provide on-site care. If the on-site private EMS provider must leave

the event prior to its conclusion they must notify the on-site event coordinator and the police prior to leaving and if required arrange for additional EMS during their absence.

Police Emergencies

For all police emergencies on site police personnel are to be notified or 911 called immediately. Local police contact information is located at the bottom of this form.

Fire Emergencies

For all fire emergencies, 911 will be called or on site event personnel and on site police personnel will be notified with the exact location and type of emergency. On site personnel will assist with evacuation. Vehicles should not be moved during an emergency response. It is recognized that exiting traffic would inhibit and/or place arriving emergency responders and exiting individuals in peril. (Local fire department address and contact information are located at the bottom of this form).

Lost Child Procedure: Police and on site event personnel will be notified. In the event of a lost child is found he/she should remain at the location he/she is found at unless the location is unsafe or impractical or until it is determined that it is impractical to remain at the location. The child, if able, will be asked to provide parent/ guardian information. If audio equipment is available an announcement of the situation may be made at the decision of on scene police personnel. The child will remain under the supervision of police personnel or their designee who will ensure the child is comfortable and safe until his/her parent/guardian arrives. Parental identification shall be verified prior to release of the child.

Weather Emergency: In the event of any weather emergency the police, event coordinator or on site event personnel may decide to halt the event for the safety of participants and the public. At no time will the decision to halt an event due to a weather related event by the police be overridden by others. Coordination for the safety of participants and spectators will be accomplished by the event personnel verbally advising participants to seek shelter in vehicles or buildings.

If and when the weather emergency has passed, a decision will be made by police personnel and the event coordinator as when to allow the event to resume.

Communication Plan: All on site event personnel, event coordinator, EMS, fire and police personnel must have a means of communication during the event. This will be accomplished by direct communication with the local police from event director, Reuben Kline. That assigned individual will have communication with workers and volunteers whom are stationed throughout the event. The workers and volunteers shall be advised and instructed who to contact in an event related emergency

Important Phone Numbers and names:

Autumn Hotaling - 617-959-2976 (Event Director)

Reuben Kline 717.357.0126 (Course Director)

Medical Emergency **911**

Ambulance **911**

Fire Emergency **911**

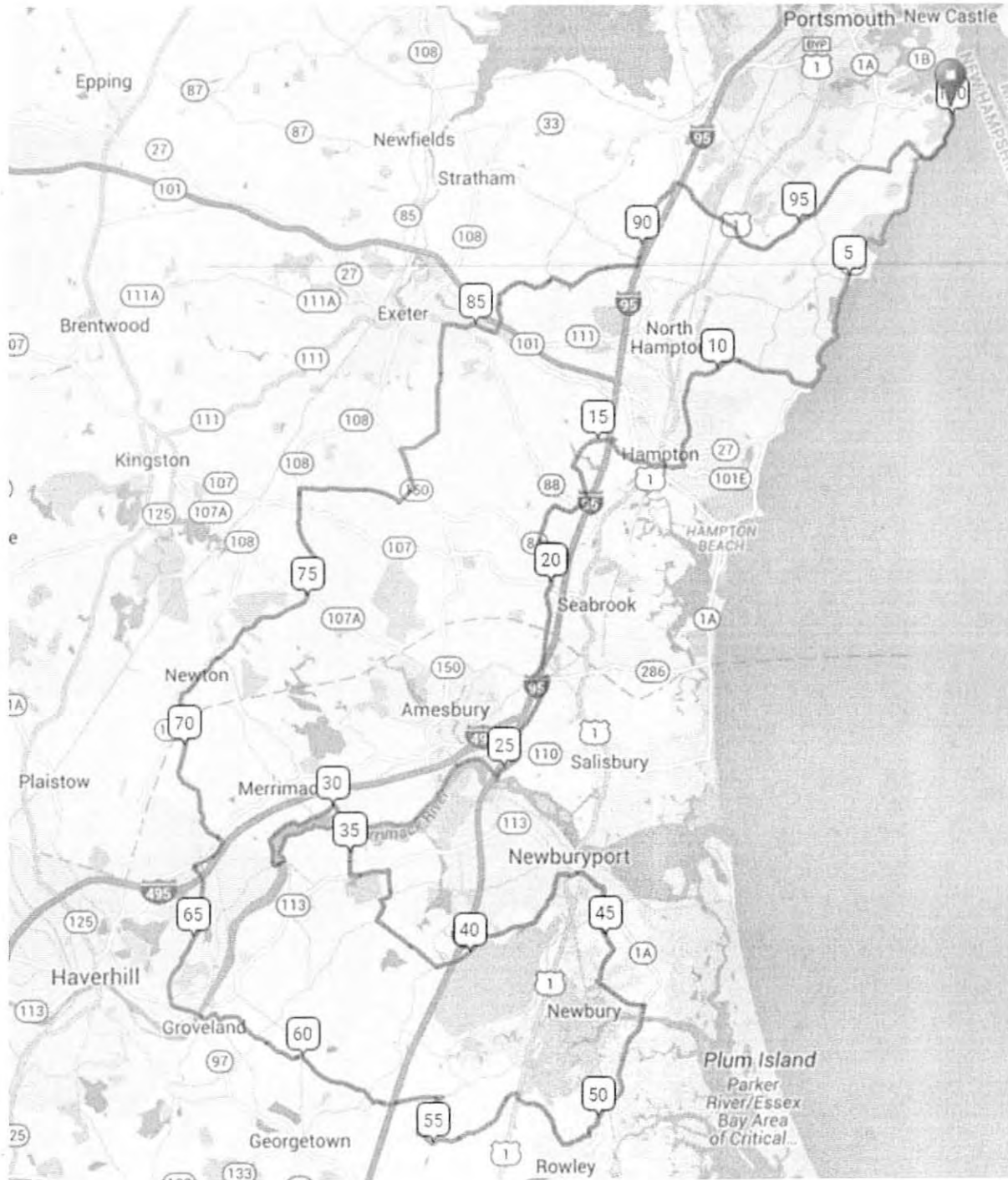
Police

- **Police Emergency 911**
- **New Hampshire State Police: 603-679-3333**
- **Massachusetts State Police: 978-462-7478**
- **Rye, NH Police: 603-964-5522**
- **Hampton, NH Police: 603-929-4444**
- **South Hampton, NH Police: 603-394-0105**
- **Newton, NH Police: 603-382-5586**
- **Kensington, NH Police: 603-772-2929**
- **Exeter, NH Police: 603-772-1212**
- **Stratham, NH Police: 603-778-9691**
- **Greenland, NH Police: 603-431-4624**
- **Newburyport, MA Police: 978-462-4411**
- **West Newbury, MA Police: 978-363-1212**
- **Newbury, MA Police: 978-462-4440**
- **Rowley, MA Police: 978-948-7644**
- **Salisbury, MA Police: 978-465-3121**
- **Georgetown, MA Police: 978-352-5700**
- **Haverhill, MA Police: 978-373-1212**
- **Groveland, MA Police: 978-521-1212**
- **Merrimac, MA Police: 978-346-8321**
- **Rockingham County Sheriff: 603-679-9485**
- **Essex County Sheriff: 978-750-1900**

Hospitals

Baldpate Hospital	(978) 352-2131	83 Baldpate Road	Georgetown	MA	01833
Holy Family Hospital	(978) 374-2000	140 Lincoln Avenue	Haverhill	MA	01830
Anna Jaques Hospital	(978) 463-1000	25 Highland Avenue	Newburyport	MA	01950
Parkland Medical Center	(603) 432-1500	One Parkland Drive	Derry	NH	03038
Wentworth-Douglass Hospital	(603) 742-5252	789 Central Avenue	Dover	NH	03820
Exeter Hospital	(603) 778-7311	5 Alumni Drive	Exeter	NH	03833
Hampstead Hospital	(603) 329-5311	218 East Road	Hampstead	NH	03841
Portsmouth Regional Hospital	(603) 436-5110	333 Borthwick Avenue	Portsmouth	NH	03801

Ride to End Alzheimer's 100 mile route



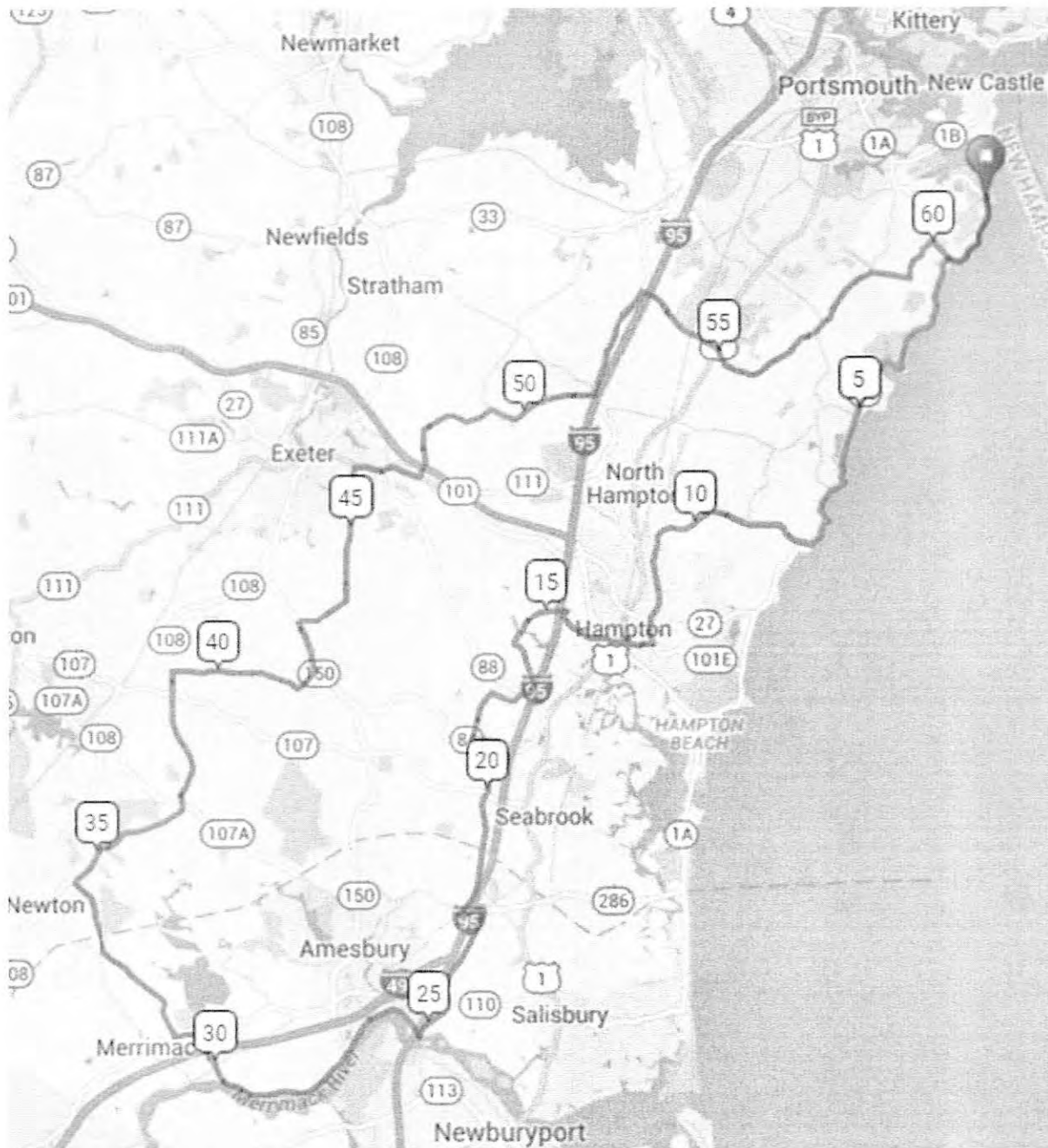
Cue Sheet 100 Mile Route

0.0	0.0	■	Start of route
0.0	0.0	←	L onto NH-1A S
7.8	7.7	→	R onto NH-111 W
9.7	1.9	←	L onto Mill Rd
12.5	2.8	←	Slight L onto Winnacunnet Rd
12.7	0.2	→	R onto Park Ave
13.2	0.6	←	L onto Lafayette Rd
13.3	0.1	→	R onto Drakeside Rd
14.7	1.4	←	L onto Towle Farm Rd
15.9	1.2	←	L onto Brown Rd
16.9	1.0	→	R onto NH-88 W
17.0	0.1	←	L onto Drinkwater Rd
17.6	0.6	←	L onto Crank Rd
17.9	0.4	←	Slight L onto Goodwin Rd
18.5	0.5	←	L onto NH-84 E
19.0	0.6	→	R onto Stard Rd
20.1	1.0	↑	Continue onto Batchelder Rd
21.1	1.0	↑	Continue onto Locust St
22.2	1.2	←	L onto Congress St
22.3	0.1	←	L onto Main St
22.7	0.4	→	R onto Rabbit Rd
24.6	1.8	↑	Continue onto Merrill St
25.3	0.7	→	R toward Main St
25.3	0.0	→	R onto Main St
25.5	0.2	↑	Continue onto Evans Pl
25.7	0.2	↑	Continue onto Main St
26.5	0.8	←	L onto Merrimac St
26.9	0.4	↑	Continue straight onto Pleasant Valley Rd
29.6	2.7	→	Pleasant Valley Rd turns slightly R and becomes Skunk Rd
29.9	0.4	←	L onto Middle Rd
30.3	0.4	↑	Continue onto River Rd
32.2	1.8	←	L onto E Main St/Rocks Village Bridge
32.4	0.2	←	L onto River Rd
34.6	2.2	→	Slight R onto Coffin St
35.5	0.9	←	L onto MA-113 E
36.3	0.8	→	R onto Chase St
36.9	0.5	→	R onto Middle St
37.5	0.7	←	L onto Indian Hill St

39.2	1.6	←	L onto South St
39.7	0.5	←	South St turns slightly L and becomes Scotland Rd
41.7	2.0	↑	Continue onto Parker St
42.3	0.6	↑	Continue straight onto Graf Rd
42.8	0.5	→	R onto Low St
42.9	0.2	↑	Continue onto Pond St
43.3	0.4	→	R onto MA-1A S/High St
44.3	1.0	→	R onto Hanover St
44.5	0.2	←	Slight L onto Green St
45.4	0.9	→	Slight R onto Hay St
46.1	0.8	←	L onto Newman Rd
47.3	1.2	→	R onto MA-1A S
50.2	2.9	→	R onto Cross St
50.3	0.2	←	Slight L to stay on Cross St
50.5	0.2	→	Slight R to stay on Cross St
51.1	0.6	→	Slight R to stay on Cross St
51.1	0.1	↑	Continue onto Central St
52.6	1.5	↑	Continue onto Glen St
53.1	0.5	↑	Continue straight onto Hillside St
54.1	1.0	→	Slight R onto Wethersfield St
55.0	0.9	→	R to stay on Wethersfield St
55.2	0.2	↑	Continue onto Jewett St
55.4	0.2	→	R onto Warren St
56.4	1.0	←	Sharp L onto Jackman St
57.3	0.9	↑	Continue onto Jewett St
57.9	0.6	→	R onto Thurlow St
59.4	1.5	↑	Continue onto Byfield Rd
60.0	0.6	→	Slight R onto 7 Star Rd
60.0	0.0	←	L onto Bare Hill Rd
61.2	1.1	↑	Continue onto Rollins St
61.8	0.6	←	L onto Garrison St
62.2	0.4	↑	Continue onto Gardner St
62.5	0.3	→	R onto Elm Park
62.6	0.1	←	L toward MA-97 N
62.6	0.0	→	R onto MA-97 N
62.9	0.3	↑	Continue onto Groveland St
63.4	0.5	→	R onto Pine St
63.5	0.1	↑	Continue straight onto Kenoza St
64.9	1.4	→	Slight R onto Middle Rd

66.6	1.8	→	R onto Amesbury Rd
67.5	0.9	←	L onto Brandy Brow Rd
68.1	0.6	→	Slight R onto Heath Rd
68.9	0.8	←	L onto Hadley Rd
70.7	1.8	←	L onto Merrimac Rd
71.1	0.4	→	Slight R onto NH-108 N
72.7	1.6	↑	Continue straight onto Maple Ave
73.6	0.9	↑	Continue onto Chase Rd
75.1	1.5	↑	Continue onto S Rd
77.5	2.5	→	R onto Stumpfield Rd
79.8	2.2	←	L onto Trundlebed Ln
80.2	0.4	←	L onto NH-150 N
81.1	0.9	→	R onto N Rd
82.0	0.9	←	L onto Drinkwater Rd
84.3	2.3	→	R onto NH-111 E/NH-27 E/High St
85.5	1.1	←	L onto Guinea Rd
86.3	0.8	→	R onto Stratham Heights Rd
87.6	1.3	→	R onto Bunker Hill Ave
88.0	0.4	↑	Continue onto Walnut Ave
88.2	0.2	↑	Continue straight onto Lovering Rd
89.6	1.4	←	L onto NH-151
91.6	2.0	→	R onto Breakfast Hill Rd
93.3	1.7	↑	Continue onto Washington Rd
95.8	2.5	←	Slight L onto Wallis Rd
97.5	1.7	←	L onto Brackett Rd
98.3	0.8	→	R onto Parsons Rd
98.5	0.3	↑	Continue onto Marsh Rd
98.7	0.2	←	L onto NH-1A N
100.0	1.3	→	Slight R onto Odiome Point sp
100.2	0.2	→	R
100.3	0.0	■	End of route

Ride to End Alzheimer's 60 mile route

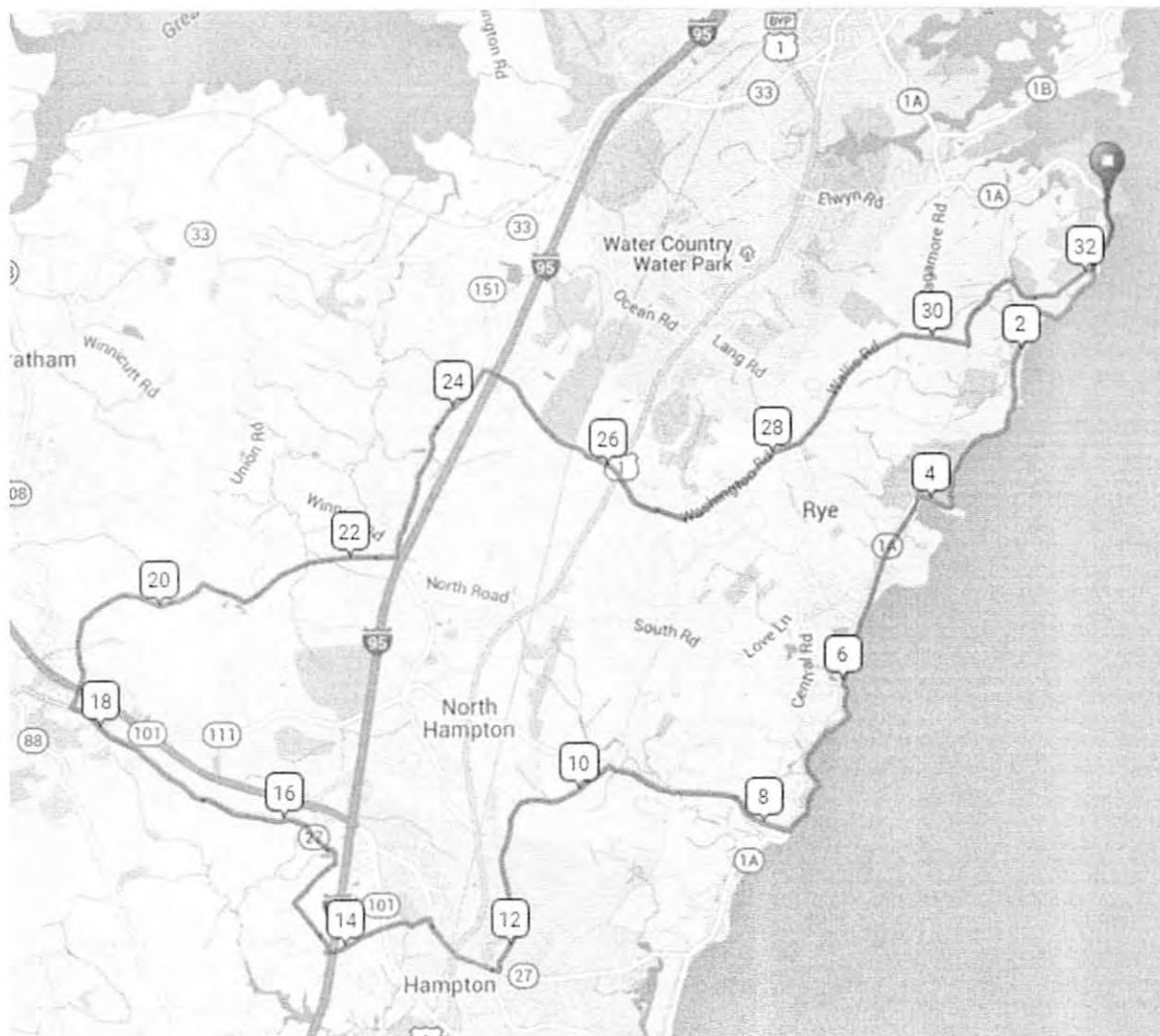


Cue Sheet 60 Mile Route

0.0	0.0	➡	Start of route
0.0	0.0	→	L onto NH-1A S
7.8	7.7	→	R onto NH-111 W
9.7	1.9	→	L onto Mill Rd
12.6	2.8	→	Slight L onto Winnacunnet Rd
12.7	0.2	→	R onto Park Ave
13.2	0.6	→	L onto Lafayette Rd
13.3	0.1	→	R onto Drakeside Rd
14.7	1.4	→	L onto Towle Farm Rd
15.9	1.2	→	L onto Brown Rd
16.9	1.0	→	R onto NH-88 W
17.0	0.1	→	L onto Drinkwater Rd
17.6	0.6	→	L onto Crank Rd
17.9	0.4	→	Slight L onto Goodwin Rd
18.6	0.6	→	L onto NH-84 E
19.0	0.6	→	R onto Stard Rd
20.1	1.0	↑	Continue onto Batchelder Rd
21.1	1.0	↑	Continue onto Locust St
22.2	1.2	→	L onto Congress St
22.3	0.1	→	L onto Main St
22.7	0.4	→	R onto Rabbit Rd
24.6	1.6	↑	Continue onto Merrill St
26.3	0.7	→	R toward Main St
26.3	0.0	→	R onto Main St
26.6	0.2	↑	Continue onto Evans Pl
26.7	0.2	↑	Continue onto Main St
26.6	0.6	→	L onto Merrimac St
26.9	0.4	↑	Continue straight onto Pleasant Valley Rd
29.6	2.7	→	Pleasant Valley Rd turns slightly R and becomes Skunk Rd
29.9	0.4	↑	Continue onto Emery St
30.6	0.7	→	L onto MA-110 W
31.0	0.4	→	R onto Bear Hill Rd
34.0	3.0	↑	Continue onto Amesbury Rd
34.4	0.3	→	R onto Maple Ave
36.2	0.9	↑	Continue onto Chase Rd
36.7	1.6	↑	Continue onto S Rd
39.2	2.6	→	R onto Stumpfield Rd
41.6	2.2	→	L onto Trundlebed Ln

41.9	0.4	→	L onto NH-150 N
42.8	0.9	→	R at the 1st cross street onto N Rd
43.7	0.9	→	L onto Drinkwater Rd
46.0	2.3	→	R onto NH-111 E/NH-27 E/High St
47.2	1.1	→	L onto Guinea Rd
48.0	0.8	→	R onto Stratham Heights Rd
49.3	1.3	→	R onto Bunker Hill Ave
49.7	0.4	↑	Continue onto Walnut Ave
49.9	0.2	↑	Continue straight onto Lovering Rd
51.3	1.4	→	L onto NH-151
53.3	2.0	→	R onto Breakfast Hill Rd
55.0	1.7	↑	Continue onto Washington Rd
57.4	2.6	→	Slight L onto Wallis Rd
59.2	1.7	→	L onto Brackett Rd
60.0	0.8	→	R onto Parsons Rd
60.2	0.3	↑	Continue onto Marsh Rd
60.4	0.2	→	L onto NH-1A N
61.7	1.3	→	Slight R onto Odiorne Point sp
61.9	0.2	→	R
61.9	0.0	➡	End of route

Ride to End Alzheimer's 30 mile route



Cue Sheet 30 Mile Route

0.0	0.0	🚩	Start of route
0.0	0.0	←	L onto NH-1A S
7.8	7.7	→	R onto NH-111 W
9.7	1.9	←	L onto Mill Rd
12.3	2.6	→	R onto High St
12.7	0.4	→	R onto Lafayette Rd
12.7	0.0	←	L onto NH-27 W/Exeter Rd
13.1	0.4	←	L onto Towle Farm Rd
14.2	1.1	→	R onto Mary Batchelder Rd
14.8	0.6	→	R onto Timber Swamp Rd
15.4	0.6	←	L onto NH-27 W
18.3	2.9	→	R onto Guinea Rd
19.2	0.8	→	R onto Stratham Heights Rd
20.6	1.3	→	R onto Bunker Hill Ave
20.9	0.4	↑	Continue onto Walnut Ave
21.0	0.2	↑	Continue straight onto Lovering Rd
22.4	1.4	←	L onto NH-161
24.6	2.0	→	R onto Breakfast Hill Rd
26.1	1.7	→	Breakfast Hill Rd turns slightly R and becomes Washington Rd
28.6	2.6	←	Slight L onto Wallis Rd
30.3	1.7	←	L onto Brackett Rd
31.1	0.8	→	R onto Parsons Rd
32.1	1.0	←	L onto NH-1A N
32.8	0.7	→	R
32.8	0.0	🚩	End of route

Course Control Plan Ride to End Alzheimer's. See map: <http://ridewithgps.com/routes/11710178>

Location	Mile on 100 route	Control Type	Direction of Route	Time Active for 100 mile riders	Time Active for 60 mile riders	Time Active for 60 mile riders
Lead vehicle		Staff & HAM Radio				
Tail Vehicle		Staff & HAM Radio				
Start						
Exit of Seacost Center & NH-1A S		0 police	Left Turn	6:30 AM	8:30 AM	10:00 AM
NH-1A S & NH-111 Atlantic Ave	mile 7.8	Staff	Right Turn	6:45 to 7:15	8:45 to 9:15	10:20 to 10:50
NH-111 Atlantic Ave & Mill Road	mile 9.7	police	Left Turn	6:50 to 7:25	8:50 to 9:25	10:30 to 11:00
Park Ave & Lafayette Rd	mile 13.2	police	Left Turn	7:00 to 7:50	9:00 to 9:50	N/A
Rabbit Rd & Merrill St	mile 22.7	? Busy	Straight	7:30 to 8:45	9:30 to 10:45	N/A
Skunk Rd & Middle Rd			100mi go Left			
100mi and 60mi Split	mile 29.9	Staff	60 mi go Straight	7:50 to 9:30	9:50 to 11:30	N/A
River Rd & E Main St/Rocks Village Bridge	mile 32.2	police	Left Turn	7:55 to 9:45	N/A	N/A
E Main St/Rocks Village Bridge & River Rd	mile 32.4	police	Left Turn	7:55 to 9:45	N/A	N/A
Central St & Glen St	mile 52.6	police	Straight	8:50 to 11:45	N/A	N/A
NH-108 & Maple Rd			100mi go Straight		mile 34.4	
100mi and 60mi Merge	mile 72.6	Staff	60 mi go Right	9:45 to 1:45	10:00 to 11:55	N/A
NH-27 E/High St & Guinea Rd			Left Turn for 60, 100		mile 47.2	mile 18.3
Merge for 30mi and 100/60mi	mile 85.4	police	Right Turn for 30mi	10:25 to 3:00	10:40 to 1:15	10:55 to 12:30
Marsh Rd & NH-1A N	mile 98.7	police	Left Turn	11:00 to 4:25	11:15 to 1:30	11:35 to 3:00
NH-1A N & Odiome Point Bike Path	mile 100	Staff	Right Turn	11:05 to 4:30	11:20 to 1:50	11:40 to 3:10

30 mile route only: <http://ridewithgps.com/routes/11700930>

Lafayette Rd/ Exeter Rd & NH-27	mile 12.7	police	Straight	N/A	N/A	10:35 to 11:30
Exeter Rd & Towle Farm Rd	mile 13.1	police	Left Turn	N/A	N/A	10:35 to 11:30
Timber Swamp Rd & NH-27	mile 15.4	staff	Left Turn	N/A	N/A	10:45 to 12:10



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2017 MAY -4 AM 9:39



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: ~~5/3/17~~ 5/3/17

CONTACT INFORMATION

FIRST AND LAST NAME: Patricia + Robert Hoffman
MAILING ADDRESS: 15 Lafayette St Newburyport, MA 01950
PHONE NUMBER: 978-255-2894
E-MAIL ADDRESS: hoffmanpatty@gmail.com

BLOCK PARTY INFORMATION

BLOCK PARTY DATE: 7/29/17

DESIRED STREET CLOSING LOCATION: Lafayette St between High St & Highland Ave.
Please indicate cross streets when requesting the closing of street sections

STREET TO BE BARRICADED: Lafayette St

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

REGULATIONS

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

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

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

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

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

Applicant Signature



Date

5/3/17

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHALL

4 Green Street

FIRE CHIEF

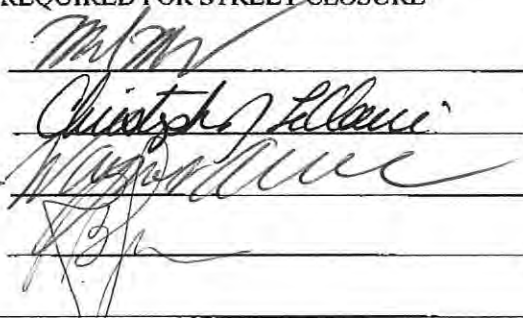
Greenleaf Street

DEPUTY DIRECTOR

1 Perry Way

CITY CLERK

60 Pleasant St.



5/3/2017

City use only:

Approved

-Denied

Date

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

**APPOINTMENTS
SECOND READING**

SECOND READING APPOINTMENTS

- APPT032_04_24_17 David St. Cyr 25 Tyng St NRA 4/1/2018

Re-Appointments

- APPT033_04_24_17 Kevin Hunt 14 10th St Veterans Agent 4/1/2018
- APPT034_04_24_17 Barry J. McBride 5 Pine St Asst Wiring Inspector 5/1/2018

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

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 8, 2017

THAT the City Council of the City of Newburyport hereby orders, pursuant to Code Section 13-166, that no person shall park any vehicle on the following streets or portions thereof as follows:

Street: Fair Street

Restriction: No parking on the westerly side for a distance of 47 feet running in a southerly direction from the intersection of Middle Street.

Councillor Jared J. Eigerman

ORDINANCES

CITY OF NEWBURYPORT



 IN CITY COUNCIL

ORDERED:

May 8, 2017

AN ORDINANCE RELATING TO UPDATING EVENT RULES:

The following updated shall be made to Section 13-97 of the Newburyport Municipal Code

Sec. 13-97. - Road races, walkathons, bicycle and other multi-disciplined events.

(a)

Short title. [This ordinance may be cited as the] "road races, walkathons and bicycle events."

(b)

Purpose and intent. The use of city streets and sidewalks for the purpose of road races, walkathons or bicycle tours are positive events that promote exercise, general good health and Newburyport as a destination. These events do from time to time create hardships, impacting neighborhoods and traffic. To create a balance between conflicting interests, by safeguarding participants, residents, visitors and the City of Newburyport, this ordinance will define and codify the procedure for the benefit of all

(c)

Definitions.

(1)

Road race. A competitive or non-competitive running event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(2)

Walkathon. A competitive or non-competitive walk event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(3)

Bicycle race. A competitive or non-competitive bicycling event that utilizes the streets, sidewalks and/or crosses over streets or sidewalks within city limits and in which an entry fee is required or charitable donation is solicited or suggested.

(4)

Multidisciplined event. A competitive or non-competitive event requiring or offering running, walking, biking, swimming or any combination thereof in which an entry fee is required or a charitable donation is solicited or suggested.

(5)

Event. Any Road race, Walkathon, Bicycle Race, Multi-disciplined event as defined above

(d)

Limitations.

(1)

Procedure. All road racing, walkathon, bicycle, or swimming events shall, through that event's organizer, board of directors, charity foundation or designee ("organizer") apply for City Council authorization to hold the event through the office of the city clerk no later than sixty (60) days before the event's proposed date. There shall be a grace period through 12/31/17 during which applications will be accepted beyond the prescribed due date. Prior to application with the City Council, the Event shall file and receive approval from all applicable City departments, boards, and commissions. Copies of such approved applications, including along with documentation of any fees, donations, in-kind donations paid as part of said application(s), shall be included as part of the City Council Application.

The date of application is the date a completed application is submitted to the city clerk's office and stamped by the same. The city clerk, upon review of the completed form, will place the application on the next regular city council agenda, even if such submission is a late file. 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 application The event will shall name one (1) person responsible on the application and shall provide contact information to include name, address, email address, and telephone number.

(2)

Exemptions. Each event organizer or organization shall comply with this ordinance and no exemptions will be permitted.

(3)

Course map. All applications shall be accompanied by a legible, precise course map showing the event route, water stops, refreshment stops, and so-called "port-a-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 harbor masters departments prior to submission to the city clerk.

(4)

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 not be used for public address announcements or music before 9:00 a.m.

(5)

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-fourteen (10-14) days in advance that neighborhood roads will be closed if no alternate route is available to those residents. Notification shall be made by race organizers by informational packet drop-off at all residences that may be impacted, including, but not limited to, road closures, restricted driveway access, parking restrictions, or noise. In the case of multi-family residences with so-called security doors, notification will be sufficient at said security door. A copy of the notification shall be provided to the City Clerk and, when possible, posted on the City Website and distributed via email. Further, a list of all streets notified shall be provided to the City Clerk to be date stamped

and appended to the application record. Press releases and other media type notifications are encouraged.

(6)

Insurance. All events shall have an insurance policy or rider in effect for the event naming the "City of Newburyport" as an additional insured. The policy shall be no less than two million dollars (\$2,000,000.00).

(7)

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.

(8)

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 assist in the organizing and coordinating the safety and security of the event. All special duty assignments will be paid by the event organizers.

(9)

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.

(10)

Parking. The event organizers shall be responsible for including parking instructions in materials disseminated to event participants. If the event is happening within 1/2 mile of municipal parking, then participants shall be asked to park at such parking facilities.

(11)

Notification of previous event organizers. To the extent reasonably possible, the city clerk shall notify all Event organizers from events held from 2014-2016, inclusive, by a one-time phone, email, or letter of the new application timeline and other requirements.

(12)

Simplification. Departments are encouraged to unify their respective applications into a singular application, managed and distributed by the city clerk's office.

(e)

Enforcement.

(1)

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.

(2)

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.

(3)

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).

(4)

Violation. The non-criminal violation shall be one hundred dollars (\$100.00) for the first offense and two hundred fifty dollars (\$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.

(5)

Failure to notify. If the Event fails to notify residents and provide documentation to the City Clerk, pursuant to Section D, subsection 5 above, shall render that organization ineligible to receive an Event permit for a period of twelve (12) months unless special leave is granted by 2/3 supervote of the City Council.

Councillor Sharif I. Zeid

Councillor Joseph H. Devlin

In City Council April 24, 2017:

Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Cameron.
Motion to approve by Councillor Cronin, seconded by Councillor Cameron. So voted.

COMMITTEE ITEMS

BUDGET & FINANCE COMMITTEE ITEMS

1. **TRAN018_04_10_17** - Mult Accnts \$300K to Nock/Molin Parking Lot Repairs and Repaving \$300K (w/ COW)
2. **TRAN021_04_24_17** – General Fund \$20K to Ins FICA Payroll Taxes \$20K
3. **TRAN023_04_24_17** – General Fund \$15,735.83, Wtr Retained Earnings 7,224.95, Swr Retained Earnings 3,945.12 to Retire Approp \$26,905.90 (w/ PU)
4. **ORDR021_04_24_17** – Bond Premium Order

TRAN018_04_10_17

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

Cost: \$300,000

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



City of Newburyport

FY 2017

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2017 APR 18 AM 11:59

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor

Date Submitted: 4/24/2017

Transfer From:

Account Name	General Fund - Free Cash	YTD Bal:	\$ 1,283,489.34
Account Number:	01-35910	Trans In:	\$ -
Amount:	\$20,000.00	Trans Out:	\$ 1,090,512.66
Why are Funds Available:	<i>The Massachusetts Department of Revenue certified Free Cash for FY2017 at \$2,374,002. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council.</i>		

Transfer To:

Account Name	INS FICA Payroll Taxes	YTD Bal:	\$ 18,783.02
Account Number:	01914001-51707	Trans In:	\$ -
Amount:	\$20,000.00	Trans Out:	\$ -
Why are Funds Required:	<i>The FICA payroll taxes are the Federal Insurance Contributions Act tax, which is imposed on employees and employers by the US government. Municipalities are exempt from the social security portion, but must pay the Medicare portion, which is 1.45% of wages paid. A deficit is anticipated by year-end.</i>		

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

FY 2017

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2017 APR 18 PM 3:17

Department: Mayor's Office

Submitted by: Donna D. Holaday, Mayor

Date Submitted: 4/24/2017

Transfer From:

Account Name	General Fund - Free Cash	YTD Bal:	\$ 1,283,489.34
Account Number:	01-35910	Trans In:	\$ -
Amount:	\$15,735.83	Trans Out:	\$ 1,090,512.66
Why are Funds Available: <i>The Massachusetts Department of Revenue certified Free Cash for FY2017 at \$2,374,002. These funds are available for any legal expenditure with the approval of the Mayor and a vote of the City Council.</i>			

Transfer From:

Account Name	Water Retained Earnings	YTD Bal:	\$ 1,795,692.00
Account Number:	60-35920	Trans In:	\$ -
Amount:	\$7,224.95	Trans Out:	\$ 174,500.00
Why are Funds Available: <i>The Massachusetts Department of Revenue certified Retained Earnings for the Water Enterprise Fund for FY2017 at \$1,970,192. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.</i>			

Transfer From:

Account Name	Sewer Retained Earnings	YTD Bal:	\$ 1,339,115.00
Account Number:	61-35920	Trans In:	\$ -
Amount:	\$3,945.12	Trans Out:	\$ 80,000.00
Why are Funds Available: <i>The Massachusetts Department of Revenue certified Retained Earnings for the Sewer Enterprise Fund for FY2017 at \$1,419,115. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.</i>			

Transfer To:

Account Name	Retirement Appropriation	YTD Bal:	\$ -
Account Number:	01911001-51740	Trans In:	\$ -
Amount:	\$26,905.90	Trans Out:	\$ -
Why are Funds Required: <i>Military service fund appropriation as per PERAC including interest through May 31, 2017. The Special Fund for Military Service Credit contains contributions and interest for members while on a military leave for service in the Armed Forces who will receive creditable service for the period of that leave; in accordance with MGL Ch 32, Sec 22.</i>			

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

Military Service Fund Appropriation by Employee

Employee	Service Years	Balance	Interest	Total	Department
Jeffrey Page	2004-2014	\$13,858.60	\$173.28	\$14,031.88	DPS - Highway
Mark Collyer	2003-2004	\$6,931.30	\$293.65	\$7,224.95	DPS - Water
Andrew Lafferty	2009-2011	\$5,065.40	\$46.44	\$5,111.84	DPS - Highway/Water/Sewer
Joshua Messina	2003	\$514.46	\$22.77	\$537.23	DPS - Sewer
Total		\$26,369.76	\$536.14	\$26,905.90	

Military Service Fund Appropriation by Funding Source

Funding Source	Amount
General Fund	\$15,735.83
Water Enterprise Fund	\$7,224.95
Sewer Enterprise Fund	\$3,945.12
Total	\$26,905.90

PERAC

(2)

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

PHILIP Y. BROWN, ESQ., *Chairman*

JOSEPH E. CONNARTON, *Executive Director*

Auditor SUZANNE M. BUMP | KATHLEEN M. FALLON | KATE FITZPATRICK | ELIZABETH FONTAINE | JAMES M. MACHADO | ROBERT B. MCCARTHY

MEMORANDUM

TO: Newburyport Retirement Board
FROM: *Joseph E. Connarton*
Joseph E. Connarton, Executive Director
RE: Military Service Appropriation (excluding interest)
DATE: April 27, 2016

This Commission is hereby furnishing you with the additional amount to be appropriated for your retirement system to reflect the military service fund appropriation for the members shown below. The total additional appropriation amount is \$26,369.76 excluding interest. This appropriation, including interest, should be paid as soon as possible. This figure is based on the information you provided to us.

Jeffrey Page	\$13,858.60
Mark Collyer	6,931.30
Andrew Lafferty	5,065.40
Joshua Mesina	514.46

If you have any questions, please contact PERAC's Actuary, Jim Lamenzo, at (617) 666-4446 extension 921.

JEC/jrl

P:\actuarial\APPROP\Militaryfund\newburyport 4-16.doc



MGL Chapter 32 Section 22

(4) *Special Fund for Military Service Credit.* -- (a) The special fund for military service credit shall be the fund provided in each system under the provisions of sections nine and nine A of chapter seven hundred and eight of the acts of nineteen hundred and forty-one, as amended by chapter four hundred and nineteen of the acts of nineteen hundred and forty-three and as may be further amended, to which shall be credited the amount appropriated for any fiscal year, as provided for in subdivision (7) of this section, for the purpose of establishing the amounts which would have been paid into such system as regular deductions by members thereof on military leave of absence from the governmental unit by which they were employed had such members remained in the active service of such governmental unit. Regular interest shall be transferred to the special fund for military service credit as provided for in subdivision (6) of this section.

If a city or town notifies the teachers' retirement board that all teachers referred to in section one of chapter seven hundred and eight of the acts of nineteen hundred and forty-one, as amended, have either returned to the public school service of Massachusetts, or that the period has expired during which they were permitted to return and have military assessments credited to their accounts, and that there are no other members who were formerly employed by the city or town who will be entitled to have military assessments credited to their accounts, the said board shall, during the month of January following the receipt of such notice, refund to the city or town any amount standing to its credit in the special fund for military service credit provided for in this section.

(b) In the event of the retirement of any member, or in the event a member-survivor benefit under the provisions of option (d) of subdivision (2) of section twelve becomes effective on account of any member whose last discharge or release from military service as set forth in said chapter seven hundred and eight of the acts of nineteen hundred and forty-one, as amended, and as may be further amended, was under honorable conditions as defined in defense department regulations, for whom a liability has been established in the special fund for military service credit, an amount equal to the value of the regular deductions credited to his account under the provisions of sections nine and nine A of said chapter seven hundred and eight for the period of his military leave of absence, together with regular interest thereon to the date his retirement allowance becomes effective, shall be transferred from his account in such fund to the annuity reserve fund of such system and shall be added to and merged with the amount of his accumulated regular deductions being transferred as of such date from the annuity savings fund of such system to the annuity reserve fund thereof. The total of such amounts transferred on his account shall be used in determining the amount of the regular annuity provided for him under the provisions of subdivision (2) of section twelve, and the aggregate of his regular deductions, including the amount thereof transferred from the special fund for military service credit, shall be used in determining the normal yearly amount of his retirement allowance to the extent such allowance is dependent upon the amount of his regular deductions.

(c) In the event of the withdrawal from the system of any member, whose last discharge or release from military service as set forth in said chapter seven hundred and eight, as amended, and as may be further amended, was under honorable conditions as defined in defense department regulations, for whom a liability has been established in the special fund for military service credit, or in the event of his death before any retirement allowance becomes effective for him, and without a member-survivor benefit under the provisions of option (d) of subdivision (2) of section twelve or payment of allowances under the provisions of section twelve B becoming effective on account of the death of such member, any amount being held to the credit of his account in the special fund for military service credit shall be released and shall be used to reduce the amount of the next appropriation for the pension fund of the governmental unit or units which paid to establish the military service credit for him, in the proportions originally paid by each unit for that purpose; provided, that if such member

shall later be reinstated in the system or become a member of another retirement system, and shall deposit in full the amount he withdrew with accumulated interest, said governmental unit or units shall add the amount of such reduction, with regular interest, to the amount of its or their next appropriation for the special fund for military service credit; and further provided, that if the person is a member of the teachers' retirement system, the whole or portion of the said amount, as the case may be, which was paid by a city or town shall be returned to the city or town with accumulated interest, and the portion, if any, of the said amount which was paid by the commonwealth shall be transferred to the pension fund of said system. If a former member of said system, on whose account such an adjustment has been made, is later reinstated a member of said system, and returns in full the amount he withdrew with accumulated interest, the city or town which received the refund as provided above shall be notified, and it shall pay to the special fund for military service credit of said system the amount it received from said fund, with accumulated interest at three per cent to the date of payment to said fund, and the portion, if any, which was transferred to the pension fund of said system shall be transferred from said pension fund with three per cent accumulated interest to the said special fund for military service credit, and these amounts shall again be held for the credit of the member, to be used only for retirement purposes.

(d) If any member, whose last discharge or release from military service as set forth in said chapter seven hundred and eight, as amended, and as may be further amended, was under honorable conditions as defined in defense department regulations, for whom a liability had previously been established in the special fund for military service credit of one system for any period of his military leave of absence while a member of such system, is retired while a member of a second system, or in the event a member survivor benefit under the provisions of option (d) of subdivision (2) of section twelve, or payment of allowances under the provisions of section twelve B becomes effective on account of his death while a member of a second system, an amount equal to the value of the regular deductions with which he was credited under the provisions of sections nine and nine A of said chapter seven hundred and eight for such period of his military leave of absence, together with regular interest thereon to the date his retirement allowance, member survivor benefit, or allowances provided for under the provisions of section twelve B becomes effective, shall be paid from the pension fund of the first system at the date on which said retirement, member survivor benefit, or allowances under the provisions of section twelve B becomes effective and transferred to the special fund for military service credit of the second system to be credited to his account therein, and thereafter such account shall be handled in the manner set forth in paragraph (b) of this subdivision; provided, that such transfer shall be made and credit for such period of his military leave of absence allowed only if he has transferred his membership from the first system to the second system as provided for in paragraph (8) (a) of section three, or only if and only to the extent he has re-established credit for his former membership by paying into the annuity savings fund of the second system the make-up payments provided for in paragraph (8) (b) of such section.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

April 24, 2017

THAT, the City votes to supplement each prior order of this Council that authorizes the borrowing of money to pay costs of capital projects to provide that, in accordance with Chapter 44, Section 20 of the General Laws, the premium received by the City upon the sale of any bonds or notes thereunder, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to pay project costs and the amount authorized to be borrowed for each such project shall be reduced by the amount of any such premium so applied.

Councillor Charles F. Tontar
Chair, Budget & Finance Committee

*Rebate to B&F
CT/SC
SW*



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

DONNA D. HOLADAY
MAYOR

ETHAN R. MANNING
FINANCE DIRECTOR/CITY AUDITOR

To: President and Members of the Newburyport City Council
From: Ethan R. Manning, Finance Director/City Auditor
Date: April 18, 2017
Subject: Application of Bond Premium

The Municipal Modernization Act made changes to Chapter 44, Section 20 regarding the permitted use of bond and note premiums. The law was amended to allow communities an option to appropriate premiums to pay project costs, thereby reducing the amount needed to borrow, which was only previously allowed for excluded debt projects.

Bond counsel requires approval of the enclosed order to supplement all prior outstanding borrowing orders (that have already been approved but not yet permanently financed) of the City to allow for the use of premium received on bonds and notes to pay for project costs (thereby reducing the par amount of the bonds to be issued for the projects). Attached is an excerpt from a Frequently Asked Questions (FAQ) document put together by the Department of Revenue regarding the impact of the Municipal Modernization Act on the application of bond and note premiums.

8. How does the Municipal Modernization Act change in the treatment of premiums received when issuing debt under MGL c. 44, sec. 20 apply to premiums received for borrowings authorized before November 7, 2016, the effective date of the Act?

Section 67 of the Municipal Modernization Act amends MGL c. 44, sec. 20 which governs the treatment of premiums received in connection with the sale of bonds or notes. Currently, premiums (net of issuance costs) are general fund revenue. As of November 7, 2016, premiums (net of issuance costs) are: (1) used to pay project costs and to reduce the amount of the borrowing authorization by the same amount when the borrowing vote so authorizes; or (2) reserved for appropriation for capital projects for which a loan has been, or may be, authorized for an equal or longer period of time than the loan for which the premiums were received.

Bonds or notes sold before November 7, 2016. Premiums received on bonds or notes authorized and sold before the effective date of the Municipal Modernization Act are general fund revenue that may not be spent without appropriation. MGL c. 44, sec. 53. However, if the borrowing is the subject of an approved Proposition 2½ debt exclusion, MGL c. 44, sec. 20 requires that the amount excluded be adjusted to reflect the true interest cost of the borrowing. Therefore, general fund premiums received for debt excluded borrowings must either be (1) reserved for appropriation to offset budgeted debt service in future years for the loan, or (2) appropriated to pay project costs. In the second option, the borrowing authorization must also be reduced by the same amount. The appropriation for project costs and commensurate reduction in borrowing authorization must be included in the original legislative body vote authorizing the loan, or a subsequent vote before or after the sale.

Bond or notes sold on or after November 7, 2016. Regardless of when the city or town authorized the loan, premiums received on bonds or notes sold on or after the effective date of the Municipal Modernization Act must be: (1) used to pay project costs and to reduce the amount of the borrowing authorization by the same amount when the borrowing vote so authorizes; or (2) reserved for appropriation for capital projects for which a loan has been, or may be, authorized for an equal or longer period of time than the loan for which the premiums were received. Note, however, that a city or town receiving premiums for debt excluded bonds or notes sold on or after November 7, 2016 will need to use the option to pay project costs and reduce the borrowing authorization in order to make the required interest cost adjustment. The authorization to use that option should be included in the original legislative body vote authorizing the loan, but may also be included by an amendment of the loan authorization that is voted before the sale.

Bond and municipal counsel should be consulted for language to be used to amend existing borrowing authorizations and to include in future authorizations in order to use premiums for project costs and reduce the amount authorized.

LICENSE & PERMIT COMMITTEE ITEMS

ODNC011_05_31_16 Amend Transient Vendors for Cashman **(COTW)**

ODNC001_01_30_17 BYOB Ordinance

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

May 31, 2016

AN ORDINANCE TO AMEND TRANSIENT VENDORS, HAWKERS AND PEDDLERS

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

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

Amend Sections 9-111 through 9-114 regarding transient vendors, with deletions ~~double-stricken through~~, and additions double-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:

Temporary or transient business shall mean any exhibition and sale of goods, wares or merchandise which is carried on in any vehicle, tent, booth, or other temporary structure on the public way.

Transient vendor shall mean any person, either principal or agent, who engages in a temporary or transient business in the commonwealth selling goods, 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 the vendor location is within the jurisdiction of the parks commission, this license is subject to their approval.

Sec. 9-113. - Granting license.

(a) Annually, the license commission shall issue no more than three (3) full season licenses at Im Street and no more than two (2) full season licenses at Cashman Park (city-owned portion). ~~The license commission shall not issue more than three (3) full season transient vendor licenses per year.~~

(b) In addition to ~~three (3)~~ five (5) full season transient vendor licenses available annually, the city council may grant special licenses to charitable and nonprofit organizations under such conditions as the city council may deem appropriate.

(Ord. of 1-24-11)

Sec. 9-114. - Restricted areas. Approved transient vendor may operate only on Inn Street and Cashman Park (city-owned portion), pursuant to license commission regulations. ~~This provision does not apply to licensees holding a valid license on December 31, 2010.~~

Councillor Jared J. Eigerman

Councillor Robert J. Cronin

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 25, 2017

AN ORDINANCE AMENDING CONSUMPTION OF ALCOHOLIC BEVERAGES:

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

Chapter 9	Licenses, Permits, and Business Regulations
Article IX	Food Service Establishments
Division 2	Alcohol Beverages
Section 9 – 221	Consumption of Alcoholic Beverages

Delete Section 9 - 221

Add New Section 9 – 221

No licensed food service establishment with seating over 35 shall allow any patron to consume alcoholic beverages of any sort, whether purchased or brown-bagged, so-called, on its premises unless such food service establishment is in possession of a valid license to sell and serve alcoholic beverages, as duly issued by the Newburyport License Commission.

A licensed food service establishment with seating of 35 or less can choose to allow patrons to bring their own beer and wine beverages onto the premises, a practice known as "bring your own bottle" or "BYOB," and shall be subject to the regulations promulgated by the Licensing Board for the City of Newburyport. The Licensing Board for the City of Newburyport shall have the authority to enforce the provisions of this ordinance and shall promulgate regulations that will allow patrons of these establishments to bring their own alcoholic beverages onto the premises. The Board shall file the regulations and any amendments thereof with the Office of the City Clerk. The Clerk shall include the regulations on the agenda of the next occurring meeting of the Newburyport City Council.

*Licenses
Commission*

*Rev.
EC/LG
LJP*

Councillor Edward C. Cameron, Jr.

Councillor Robert J. Cronin

CITY OF NEWBURYPORT



IN CITY COUNCIL

Revised 04/15/17
by Sponsor
Based on 04/13/17
comments
from DPS Director
Furnari

ORDERED:

March 28, 2017

AN ORDINANCE TO CONFORM THE CODE TO CHAPTER 66 OF THE ACTS OF 2014

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

Amend existing Section 2-368, as follows, with deletions ~~double-stricken through~~, and additions double-underlined:

Chapter 2	Administration
Article V.	Departments
Division 5.	Department of Public Services
Section 2-368	Board of water <u>and sewer</u> commissioners.

Sec. 14-32. – Board of water and sewer commissioners.

The board of water and sewer commissioners shall be a part of the department of public services. ~~Except as expressly provided for in this act, the board of water commissioners shall retain all powers, duties and responsibilities previously vested in said commissioners.~~ Pursuant to Section 1 of Chapter 66 of the Acts of 2014, powers and duties granted to and imposed upon the city of Newburyport by Chapter 403 of the Acts of 1908, and Chapter 261 of the Acts of 1963, shall, except the power of borrowing money, be exercised by a board of water and sewer commissioners, hereinafter called the board, consisting of 5 regular and 2 alternate members of the city, to be appointed by the mayor, subject to confirmation by the city council, for 3-year rotating terms.

Members of the board shall hold office, unless sooner removed, until their successors are appointed and qualified. Vacancies shall be filled for the remainder of the term in the same manner as the original appointment. A person shall not be appointed to the board who holds any elected city office at the time. A member of the board, after notice and opportunity for a hearing may be removed by the mayor.

The board shall have all the powers and duties provided in Chapter 403 of the Acts of 1908, as well as those powers and duties provided in chapter 261 of the Acts of 1963. The board shall annually choose a chairman and a secretary; provided, however, that the board may reorganize at any time at its discretion. The board members shall not receive compensation for their services unless an appropriation is made therefor by a two-thirds vote of the city council. The board shall annually, and as often as the city council shall require, render an account of its official acts; and the board's books and

accounts shall be open to the inspection of the finance director at any time.

~~The board of water commissioners shall fix such prices and rates for the use of water. The board of water commissioners may grant such abatements from water rates or charges as may be lawful and necessary.~~

The board of water and sewer commissioners shall, subject to the advice and consent of the mayor, set all policies relative to the water supply of the City of Newburyport, and to the construction and operation of a system or systems of sewerage and sewage disposal for the City of Newburyport, while the director shall be responsible for the day to day operations of the department. The board of water and sewer commissioners shall, with respect to the director, unless otherwise specifically provided for in this legislation, act in an advisory capacity.

The board of water and sewer commissioners shall keep the mayor fully advised as to the needs of the city within the scope of its duties, and shall annually, in conformity with the requirements established by said mayor, and in conjunction with the director of public services, furnish to the mayor a carefully prepared and detailed budget and work plan in writing, including estimates of the appropriations and revenue for the board of water and sewer commissioners enterprise funds established under M.G.L.A. c. 44, § 53F1/2 required during the next fiscal year for the proper excise and performance and all said rights and duties.

~~The board of sewer commissioners shall be part of the department of public services. Except as expressly provided for in this act, the board of sewer commissioners shall retain all powers, duties and responsibilities vested in said commissioners. The board of water and sewer commissioners may in its discretion prescribe for the users of said water and sewer system or systems such prices, rates, annual rentals or charges based on the benefits derived therefrom as it may deem proper, subject, however, to such rules and regulations as may be fixed by the vote of the city council, whose affirmative vote shall be required for any change in such prices, rates annual rentals or charges proposed by the board. The board of water and sewer commissioners may grant such abatements from water and sewer rates or charges as may be lawful and necessary.~~

~~The board of sewer commissioners shall, subject to the advice and consent of the mayor, set all policies relative to construction and operation of a system or systems of sewerage and sewage disposal for the City of Newburyport, while the director shall be responsible for the day to day operation of the department. The board of sewer commissioners shall, with respect to the director, unless otherwise specifically provided for in this act, act in an advisory capacity.~~

~~The board of sewer commissioners shall keep the mayor fully advised as to the needs of the city within the scope of its duties, and shall annually, in conformity with the requirements established by said mayor, and in conjunction with the director of public services, furnish to the mayor a carefully prepared and detailed budget and work plan in writing, including estimates of the appropriations and revenue for the board of sewer commissioners enterprise funds established under M.G.L.A. c. 44, § 53F1/2 required during the next fiscal year for the proper exercise and performance of all said rights and duties.~~

Amend existing Section 14-32, as follows, with deletions ~~double-stricken through~~, and additions double-underlined:

Chapter 14	Utilities
Article 2	Sanitary Sewer System
Division 1	Generally
Section 14-32	Fees and charges.

Sec. 14-32. - Fees and charges.

- (a) *Sewer user charge.* Pursuant to Section 10 of Chapter 261 of the Acts of 1963, as amended by Chapter 66 of the Acts of 2014, the board of the water and sewer commission may in its discretion prescribe for the users of the sewer system or systems such annual rentals or charges based on the benefits derived therefrom it may deem proper, subject, however, to such rules and regulations as may be fixed by a vote of the city council~~A sewer user charge shall be paid by each user in accordance with rules and regulations approved by city council on June 14, 1982, as they may, from time to time, be amended.~~
- (b) *Service charge for monitoring, analytical testing and reporting.* Any category of user subject to pretreatment standards and requirements will be charged for monitoring and analytical testing and reporting conducted by the sewer department. The service charge will be calculated by allocating each user or industrial user a proportional share of the total cost of the pretreatment program taking into consideration the number of sampling site visits and the number and type of analytical tests required.
- (c) *Connection permit and inspection fee.* A connection permit and inspection fee of ~~fifty dollars (\$50.00)~~ for each residential building sewer permit and ~~two hundred fifty dollars (\$250.00)~~ for each initial industrial or commercial sewer permit and connection application shall be paid to the city at the time the application is filed.

Councillor Jared J. Eigerman

Ad Hoc Central Waterfront Committee
- Report to Full Council