

## COMMITTEE ITEMS

## Committee Items-April 27, 2020

### Budget & Finance

#### Budget & Finance *In Committee:*

TRAN072_03_09_2020	Receipts Reserved for Appr Fuel <del>\$22.5K</del> <u>\$31.5K</u> to DPS, Water Ret. Earn. <del>\$7,725</del> <u>\$10.5K</u> , Sewer Ret. Earn. <del>\$7,725</del> <u>\$10.5K</u> to Tank Upgrades <del>\$37,950</del> <u>\$52.5K</u> .
ORDR172_03_09_2020	Brislin Scholarship Gift Acceptance \$4,793.86
TRAN073_04_13_2020	Essex North Shore Tech \$4,772, Hwy Streetlights \$5,228 to Elections & Registrati

**Removal from Committee Form**

**Instructions:** Remit to [rjones@cityofnewburyport.com](mailto:rjones@cityofnewburyport.com); [pbarker@cityofnewburyport.com](mailto:pbarker@cityofnewburyport.com); [cgreen@cityofnewburyport.com](mailto:cgreen@cityofnewburyport.com) by Wednesday, 5 PM preceding Council meeting

**Committee Name:** Budget and Finance

**Committee Chair:** Tontar

	Measure Identifier	Measure Title	Amended in Committee? (if yes, attach final version)	Consent Agenda or Regular Agenda?
1.	TRAN072_03_09_2020 (revised 3/10/2020)	Receipts Reserved for Appr Fuel <del>\$22.5K</del> <u>\$31.5K</u> to DPS, Water Ret. Earn. <del>\$7,725</del> <u>\$10.5K</u> , Sewer Ret. Earn. <del>\$7,725</del> <u>\$10.5K</u> to Tank Upgrades <del>\$37,950</del> <u>\$52.5K</u> .	NO	Consent
2.	TRAN073_04_13_2020	Essex NS Tech \$4,772, Hwy Streetlights \$5,228 to Elections \$10,000.	NO	Consent
3.	ORDR172_03_09_2020	Brislin Scholarship Gift Acceptance \$4,793.86.	NO	Consent
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				



# CITY OF NEWBURYPORT FY 2020 TRANSFER/APPROPRIATION REQUEST

Revised 3/10/2020

**Department:** Department of Public Services

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

**Date Submitted:** 3/9/2020

**Transfer From:**

Account Name:	Receipts Reserved for Appr. Fuel	Balance:	\$ 174,788.88
Account Number:	2722-59600	Category:	\$ -
Amount:	<del>\$22,500.00</del> <u>\$31,500.00</u>	Trans I/O:	\$ -

**Why Funds Are Available:**

This is the standard method of funding the DPS fuel and oil account. As City departments pay for gasoline, the funds are deposited into this reserve for appropriation account and then transferred into the fuel and oil expenditure account within the Highway budget to purchase more fuel.

**Transfer From:**

Account Name:	Water Retained Earnings	Balance:	\$ 1,219,425.00
Account Number:	60-35920	Category:	\$ -
Amount:	<del>\$7,725</del> <u>\$10,500</u>	Trans I/O:	\$ -

**Why Funds Are Available:**

The Massachusetts Department of Revenue certified Retained Earnings for the Water Enterprise Fund for FY2020 at \$1,219,425. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.

**Transfer From:**

Account Name:	Sewer Retained Earnings	Balance:	\$ 974,540.00
Account Number:	61-35920	Category:	\$ -
Amount:	<del>\$7,725</del> <u>\$10,500</u>	Trans I/O:	\$ -

**Why Funds Are Available:**

The Massachusetts Department of Revenue certified Retained Earnings for the Sewer Enterprise Fund for FY2020 at \$974,540. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.

**Transfer To:**

Account Name:	Tank Upgrades	Balance:	\$ -
Account Number:	New Account	Category:	\$ -
Amount:	<del>\$37,950.00</del> <u>\$52,500.00</u>	Trans I/O:	\$ -

**Why Funds Are Needed:**

In June 2019, an underground storage tank at 16A Perry Way failed inspection by MassDEP. The tank is used to collect waste oil from the DPS garage floor drains. The size of the tank, piping, spill bucket, overfill prevention and leak detection & corrosion prevention systems are in violation of current standards set forth by MassDEP and need to be corrected. See attached memo and detailed scope of work.

Donna D. Holaday, Mayor:

Ethan R. Manning, Auditor:

Date: 3/10/20

Date: 3/10/20

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:



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

ANTHONY J. FURNARI, DIRECTOR  
JAMIE TUCCOLO, DEPUTY DIRECTOR/DIRECTOR OF OPERATIONS

PHONE: 978-465-4463 EXT. 1701  
FAX: 978-465-1623

To: Mayor Donna Holaday  
President and Members of the City Council

From: Anthony Furnari, DPS Director

Date: March 3, 2020 - Revised March 10, 2020

Subject: Underground Tank Replacement

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On June 11, 2019, the underground storage tank located at 16A Perry Way failed an inspection conducted by MassDEP. The tank is used to collect waste oil from the DPS garage floor drains.

The MassDEP inspection noted the current tank is not compliant to current underground storage tank regulations (MGL Ch. 210 and 310 CMR 80.00). The size of the tank, piping, spill bucket, overfill prevention and leak detection and corrosion prevention systems are in violation of current standards set forth by MassDEP. The Department of Public Service (DPS) responded to the noncompliance & enforcement action within the thirty-day response period (response dated July 11, 2019). DPS provided all of the required information and supplemental documentation pertaining to the items listed in the notice of noncompliance.

The tank is monitored and emptied in compliance with the action outlined by MassDEP. In order to avoid enforcement action and bring the tank into full compliance, the tank requires an immediate replacement. The estimated project cost is ~~\$37,950~~ \$52,500 funded approximately 60% by the Receipts Reserved for Appropriation Fuel Account and 20% by both the Water and Sewer Enterprise Funds.

Attached are the cost estimates we received in September 2019. The appropriation request breaks down as follows:

Description	Amount
<u>Storage Tank Upgrade (Cyn Environmental)</u>	<u>\$27,950.00</u>
<u>Engineering (NRC)</u>	<u>\$12,787.00</u>
<u>Permitting (Wilcox &amp; Barton)</u>	<u>\$7,000.00</u>
<u>Price Escalation/Contingency (10%)</u>	<u>\$4,763.00</u>
<b><u>Total Cost</u></b>	<b><u>\$52,500.00</u></b>

Thank you for your consideration.

**TABULATION OF ESTIMATED COST RANGE**

Cyn Environmental Fees  
 Date: October 10, 2019  
 Prepared for: Mr. Anthony Fumari, Director  
 City of Newburyport, Department of Public Services  
 Scope of Service: UST Upgrades and Reporting  
 Location: Public Works Garage, 16A Perry Way, Newburyport, MA  
 Prepared By: Tim Warr, Senior Project Manager, NRC



Item	Description	ESTIMATED QUANTITY	UNIT OF MEASURE	UNIT PRICE	ESTIMATED TOTAL PRICE
<b>Task One: Survey Tank Area, Prepare Site Plan and Project Scoping</b>					
Subcontract:					
Wilcox and Barton		0 to 0	EVENT	\$1,500	\$0 to \$0
<b>Task One Estimated Cost:</b>					<b>\$0 to \$0</b>
<b>Task Two: Tank Upgrade Design, Contractor Bidding, Submittals and Meetings</b>					
Subcontract:					
Wilcox and Barton		0 to 0	EVENT	\$2,750	\$0 to \$0
<b>Task Two Estimated Cost:</b>					<b>\$0 to \$0</b>
<b>Task Three: Sample Monitoring Well for Sewer Discharge Requirements</b>					
Labor, Equipment, Lab Fees:					
NRC		0 to 0	EVENT	\$750	\$0 to \$0
EIS Fee 11%		0 to 0	FEE	%	\$0 to \$0
<b>Task Three Estimated Cost:</b>					<b>\$0 to \$0</b>
<b>Task Four: Mobilize Water Storage Tank</b>					
Labor and Equipment:					
Mob and De-Mob Tank		0 to 0	EVENT	\$950	\$0 to \$0
Tank Rental		0 to 0	DAYS	\$40	\$0 to \$0
EIS Fee 11%		0 to 0	FEE	%	\$0 to \$0
<b>Task Four Estimated Cost:</b>					<b>\$0 to \$0</b>
<b>Task Five: UST Upgrade</b>					
Subcontract:					
Cyn Environmental Services		1 to 1	EVENT	\$27,950	\$27,950 to \$27,950
Wilcox and Barton - Engineering Inspections		0 to 0	EVENT	\$500	\$0 to \$0
<b>Task Five Estimated Cost:</b>					<b>\$27,950 to \$27,950</b>

# TABULATION OF ESTIMATED COST RANGE

Cyn Environmental Fees

Date: October 10, 2019

Prepared for: Mr. Anthony Furnari, Director

City of Newburyport, Department of Public Services

Scope of Service: UST Upgrades and Reporting

Location: Public Works Garage, 16A Perry Way, Newburyport, MA

Prepared By: Tim Warr, Senior Project Manager, NRC



## Task Six: Clean Water Storage Tank (confined space entry)

### Labor and Equipment:

3 Person Crew and Vactor Truck  
Vactor Hose  
Offload at Disposal Facility  
Disposal Characterization Sample  
Disposal Fees (4 ton minimum)  
Truck Wash Out Fee  
EIS Fee 11%

0	to	0	EVENT	\$4,000	\$0	to	\$0
0	to	0	ROLE	\$200	\$0	to	\$0
0	to	0	EVENT	\$450	\$0	to	\$0
0	to	0	EVENT	\$500	\$0	to	\$0
0	to	0	TON	\$500	\$0	to	\$0
0	to	0	EVENT	\$300	\$0	to	\$0
0	to	0	FEE	%	\$0	to	\$0

Task Six Estimated Cost: \$0 to \$0

## Task Seven: Reporting and Project Correspondence

### Reports and Submittals

As-Built Plan and DEP Submittal

### Labor

Senior Project Manager  
EIS Fee 11%

0	to	0	LUMP SUM	1,250	0	to	0
0	to	0	HOURS	115	0	to	0
0	to	0	FEE	%	0	to	0

Task Seven Estimated Cost: \$0 to \$0

TOTAL ESTIMATED COST \$27,950 to \$27,950

### Limiting Assumptions and Conditions:

- 1 Quote assumes City will perform excavation, dewatering with discharge to sewer, electrical wiring of new sensor, backfilling and restoration.
- 2 Disposal of grit from water storage tank assumes facility acceptance as non-hazardous waste.
- 3 Disposal quantities is estimated, actual quantity will be invoiced.
- 4 Invoices will be generated on a Time and Materials basis.

Payment terms: All payments are due upon receipt of invoice. An interest charge of 1.5% per (18% per annum) will be charged and paid for on all outstanding balances that are over 30 days due. Should it be necessary to employ outside services to collect any amount, it is specifically agreed that the client will pay all such costs, including reasonable attorney's fees and court costs. Pricing provided herein is valid for 30 days only.

Accepted By: (Authorized Signature)

Printed Name

Title

Purchase Order No.

Date

EPA ID Number



Deliver via email: [rbarton@wilcoxandbarton.com](mailto:rbarton@wilcoxandbarton.com)

September 9, 2019

Client:  
Wilcox & Barton  
Mr. Russell Barton  
57 Hoit Road  
Concord, NH 03301

Site:  
Newburyport DPW  
6A Perry Way  
Newburyport, MA

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#### Work Authorization

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Cyn Environmental Services will schedule and provide the following services upon receipt of this signed work authorization.

It is our understanding that upon authorization – Cyn Environmental Services will be hired by, working for and billing our client for the following services to be performed at the above site- all services to be rendered according to Cyn Environmental pricing:

#### The scope of work as understood:

Remove existing tank top fittings after completely exposed by the city  
Tightness test the tank prior to upgrade  
Remove piping to oil water separator  
Remove vent piping, if required ( not shown on plan )  
Install new tank top sump, fittings, and sensors as shown on drawing  
Install new piping from tank top to oil water separator ( Using existing penetration in OWS )  
If new foundation core needed for the piping, to be by city  
Install new vent piping, if required ( not shown on plan )  
Provide 42" & 12" manholes to be installed by city  
Install all tank sensors and connect to junction boxes provided by the city  
Hydrostatically test new tank sump  
Program and test new console and sensors  
Tightness test the tank ( post construction )  
Prevailing wage labor rates included

#### Earthwork by City of Newburyport

- Remove existing concrete pad and bituminous concrete over tank and piping
- Excavate to expose tank top, piping from separator to tank and tank vent lines
- Foundation core if needed by city
- Dewater excavation, as necessary, to support tank to upgrade. Frac tank provided by NRC
- Excavate and backfill as necessary to install new electrical conduit
- In coordination with tank contractor backfill tank and piping with pea gravel
- Install new concrete pad with new manway and manholes. Manholes and manway provided by tank contractor
- Patch bituminous concrete pavement.



September 9, 2019

Electrical work by City of Newburyport

- Install new LU-4 console (Provided by Cyn) in location determined by Newburyport DPW
- Provide and install all conduit and wiring from the building electrical supply to LU-4 console.
- Provide and install all new conduit and wiring from the LU-4 console to the junction boxes at the tank top. Coordinate location of junction boxes with tank contractor
- The city shall install the conduit through the tank top sump, city to complete wiring to the junction box.

Pricing:

L/E/M 500 gallon Waste Oil UST upgrade: \$27,950.00

Notes:

1. Pricing above is based on services performed Monday-Friday, during normal business hours.
2. Representative for the generator must be available onsite day of services.
3. Quote is subject to 12.5% Recovery fee, Manifest fees, HUB fees, MA Transporter Fee and any and all applicable Cyn fees and charges -- please refer to the attached General Conditions.

Terms: Net 30 days

\*\*\*\*\*Upon approval please return via facsimile to (781) 297-7936 for scheduling.

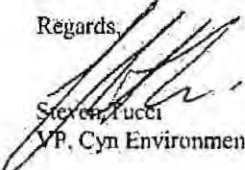
X \_\_\_\_\_  
Signature

X \_\_\_\_\_  
Title

X \_\_\_\_\_  
Date

Thank you for the opportunity.

Regards,

  
Steven Fucci  
VP, Cyn Environmental Services

# **TABULATION OF ESTIMATED COST RANGE**

## **NRC Fees**

Date: October 9, 2019

Prepared for: Mr. Anthony Furnari, Director  
City of Newburyport, Department of Public Services

Scope of Service: UST Upgrades and Reporting

Location: Public Works Garage, 16A Perry Way, Newburyport, MA  
Prepared By: Tim Warr, Senior Project Manager, NRC



Item	Description	ESTIMATED QUANTITY	UNIT OF MEASURE	UNIT PRICE	ESTIMATED TOTAL PRICE
<b>Task One: Survey Tank Area, Prepare Site Plan and Project Scoping</b>					
<b>Subcontract:</b>					
	Wilcox and Barton	0	to 0	EVENT \$1,500	\$0 to \$0
<b>Task One Estimated Cost:</b>					\$0 to \$0
<b>Task Two: Tank Upgrade Design, Contractor Bidding, Submittals and Meetings</b>					
<b>Subcontract:</b>					
	Wilcox and Barton	0	to 0	EVENT \$2,750	\$0 to \$0
<b>Task Two Estimated Cost:</b>					\$0 to \$0
<b>Task Three: Sample Monitoring Well for Sewer Discharge Requirements</b>					
<b>Labor, Equipment, Lab Fees:</b>					
	NRC	1	to 1	EVENT \$750	\$750 to \$750
	EIS Fee 11%	1	to 1	FEE % \$83	\$83 to \$83
<b>Task Three Estimated Cost:</b>					\$833 to \$833
<b>Task Four: Mobilize Water Storage Tank</b>					
<b>Labor and Equipment:</b>					
	Mob and De-Mob Tank	2	to 2	EVENT \$950	\$1,900 to \$1,900
	Tank Rental	10	to 15	DAYS \$40	\$400 to \$600
	EIS Fee 11%	1	to 1	FEE % \$253	\$253 to \$275
<b>Task Four Estimated Cost:</b>					\$2,553 to \$2,775
<b>Task Five: UST Upgrade</b>					
<b>Subcontract:</b>					
	Cyn Environmental Services	0	to 0	EVENT \$27,950	\$0 to \$0
	Wilcox and Barton - Engineering Inspections	0	to 0	EVENT \$500	\$0 to \$0
<b>Task Five Estimated Cost:</b>					\$0 to \$0

# **TABULATION OF ESTIMATED COST RANGE**

## **NRC Fees**

Date: October 9, 2019

Prepared for: Mr. Anthony Furnari, Director

City of Newburyport, Department of Public Services

Scope of Service: UST Upgrades and Reporting

Location: Public Works Garage, 16A Perry Way, Newburyport, MA

Prepared By: Tim Warr, Senior Project Manager, NRC



### **Task Six: Clean Water Storage Tank (confined space entry)**

#### **Labor and Equipment:**

3 Person Crew and Vactor Truck

Vactor Hose

Offload at Disposal Facility

Disposal Characterization Sample

Disposal Fees (4 ton minimum)

Truck Wash Out Fee

EIS Fee 11%

1	to	1	EVENT	\$4,000	\$4,000	to	\$4,000
0.5	to	0.5	ROLE	\$200	\$100	to	\$100
1	to	1	EVENT	\$450	\$450	to	\$450
0	to	1	EVENT	\$500	\$0	to	\$500
4	to	4	TON	\$500	\$2,000	to	\$2,000
1	to	1	EVENT	\$300	\$300	to	\$300
1	to	1	FEE	%	\$754	to	\$809

Task Six Estimated Cost: \$7,504 to \$8,169

### **Task Seven: Reporting and Project Correspondence**

#### **Reports and Submittals**

As-Built Plan and DEP Submittal

#### **Labor**

Senior Project Manager

EIS Fee 11%

0	to	0	LUMP SUM	1,250	0	to	0
6	to	8	HOURS	115	690	to	920
1	to	1	FEE	%	76	to	101

Task Seven Estimated Cost: \$766 to \$1,021

TOTAL ESTIMATED COST \$11,755 to \$12,787

#### **Limiting Assumptions and Conditions:**

- 1 Quote assumes City will perform excavation, dewatering with discharge to sewer, electrical wiring of new sensor, backfilling and restoration.
- 2 Disposal of grit from water storage tank assumes facility acceptance as non-hazardous waste.
- 3 Disposal quantities is estimated, actual quantity will be invoiced.
- 4 Invoices will be generated on a Time and Materials basis.

Payment terms: All payments are due upon receipt of invoice. An interest charge of 1.5% per (18% per annum) will be charged and paid for on all outstanding balances that are over 30 days due. Should it be necessary to employ outside services to collect any amount, it is specifically agreed that the client will pay all such costs, including reasonable attorney's fees and court costs. Pricing provided herein is valid for 30 days only.

Accepted By: (Authorized Signature)

Printed Name

Title

Purchase Order No.

Date

EPA ID Number

**TABULATION OF ESTIMATED COST RANGE**

**Wilcox & Barton Fees**

Date: October 10, 2019

Prepared for: Mr. Anthony Fumari, Director

City of Newburyport, Department of Public Services

Scope of Service: UST Upgrades and Reporting

Location: Public Works Garage, 16A Perry Way, Newburyport, MA

Prepared By: Tim Warr, Senior Project Manager, NRC



Item	Description	ESTIMATED QUANTITY	UNIT OF MEASURE	UNIT PRICE	ESTIMATED TOTAL PRICE
<b>Task One: Survey Tank Area, Prepare Site Plan and Project Scoping</b>					
<b>Subcontract:</b>					
Wilcox and Barton		1	to 1	EVENT	\$1,500
					\$1,500 to \$1,500
<b>Task One Estimated Cost:</b>					
					\$1,500 to \$1,500
<b>Task Two: Tank Upgrade Design, Contractor Bidding, Submittals and Meetings</b>					
<b>Subcontract:</b>					
Wilcox and Barton		1	to 1	EVENT	\$2,750
					\$2,750 to \$2,750
<b>Task Two Estimated Cost:</b>					
					\$2,750 to \$2,750
<b>Task Three: Sample Monitoring Well for Sewer Discharge Requirements</b>					
<b>Labor, Equipment, Lab Fees:</b>					
NRC		0	to 0	EVENT	\$750
EIS Fee 11%		0	to 0	FEE	%
					\$0 to \$0
<b>Task Three Estimated Cost:</b>					
					\$0 to \$0
<b>Task Four: Mobilize Water Storage Tank</b>					
<b>Labor and Equipment:</b>					
Mob and De-Mob Tank		0	to 0	EVENT	\$950
Tank Rental		0	to 0	DAYS	\$40
EIS Fee 11%		0	to 0	FEE	%
					\$0 to \$0
<b>Task Four Estimated Cost:</b>					
					\$0 to \$0
<b>Task Five: UST Upgrade</b>					
<b>Subcontract:</b>					
Cyn Environmental Services		0	to 0	EVENT	\$27,950
Wilcox and Barton - Engineering Inspections		3	to 3	EVENT	\$500
					\$1,500 to \$1,500
<b>Task Five Estimated Cost:</b>					
					\$1,500 to \$1,500

# **TABULATION OF ESTIMATED COST RANGE**

**Wilcox & Barton Fees**

**Date:** October 10, 2019

**Prepared for:** Mr. Anthony Fumari, Director

City of Newburyport, Department of Public Services

**Scope of Service:** UST Upgrades and Reporting

**Location:** Public Works Garage, 16A Perry Way, Newburyport, MA

**Prepared By:** Tim Warr, Senior Project Manager, NRC



## **Task Six: Clean Water Storage Tank (confined space entry)**

### **Labor and Equipment:**

3 Person Crew and Vactor Truck  
Vactor Hose  
Offload at Disposal Facility  
Disposal Characterization Sample  
Disposal Fees (4 ton minimum)  
Truck Wash Out Fee  
EIS Fee 11%

0	to	0	EVENT	\$4,000	\$0	to	\$0
0	to	0	ROLE	\$200	\$0	to	\$0
0	to	0	EVENT	\$450	\$0	to	\$0
0	to	0	EVENT	\$500	\$0	to	\$0
0	to	0	TON	\$500	\$0	to	\$0
0	to	0	EVENT	\$300	\$0	to	\$0
1	to	1	FEE	%	\$0	to	\$0

**Task Six Estimated Cost:** \$0 to \$0

## **Task Seven: Reporting and Project Correspondence**

### **Reports and Submittals**

As-Built Plan and DEP Submittal

### **Labor**

Senior Project Manager  
EIS Fee 11%

1	to	1	LUMP SUM	1,250	1,250	to	1,250
0	to	0	HOURS	115	0	to	0
0	to	0	FEE	%	0	to	0

**Task Seven Estimated Cost:** \$1,250 to \$1,250

**TOTAL ESTIMATED COST** \$7,000 to \$7,000

### **Limiting Assumptions and Conditions:**

- 1 Quote assumes City will perform excavation, dewatering with discharge to sewer, electrical wiring of new sensor, backfilling and restoration.
- 2 Disposal of grit from water storage tank assumes facility acceptance as non-hazardous waste.
- 3 Disposal quantities is estimated, actual quantity will be invoiced.
- 4 Invoices will be generated on a Time and Materials basis.

Payment terms: All payments are due upon receipt of invoice. An interest charge of 1.5% per (18% per annum) will be charged and paid for on all outstanding balances that are over 30 days due. Should it be necessary to employ outside services to collect any amount, it is specifically agreed that the client will pay all such costs, including reasonable attorney's fees and court costs. Pricing provided herein is valid for 30 days only.

Accepted By: (Authorized Signature)

Printed Name

Title

Purchase Order No.

Date

EPA ID Number



Commonwealth of Massachusetts  
Executive Office of Energy & Environmental Affairs

## Department of Environmental Protection

Northeast Regional Office • 205B Lowell Street, Wilmington MA 01887 • 978-694-3200

Charles D. Baker  
Governor

Karyn E. Polito  
Lieutenant Governor

Kathleen A. Theoharides  
Secretary

Martin Suuberg  
Commissioner

**JUN 11 2019**

Anthony J. Furnari  
Director of Public Services  
City of Newburyport/Department of Public Services  
16A Perry Way  
Newburyport, MA 01950

Re: **NOTICE OF NONCOMPLIANCE**  
Enforcement Document Number: 00007208

Noncompliance with M.G.L. Chapters 210  
and 310 CMR 80.00

At: City of Newburyport/Department of Public Services  
16A Perry Way  
Newburyport, MA 01950

MassDEP Facility ID#: 308333  
UST ID#: 22723

Dear Mr. Furnari:

Department of Environmental Protection ("MassDEP") personnel have observed or determined that on July 31, 2018, activity occurred at City of Newburyport/Department of Public Services, 16A Perry Way, Newburyport, MA (the "Facility"), in noncompliance with one or more laws, regulations, orders, licenses, permits, or approvals enforced by MassDEP. On that date, MassDEP conducted a field inspection of the underground storage tank (UST) systems at the facility identified above.

Enclosed please find a Notice of Noncompliance, an important legal document describing the activities that are in noncompliance. This Notice lists the violation(s) and those action(s) that are required to achieve compliance.

The field inspection included a review of documents and a mechanical review of the UST systems associated with four in-use USTs, including one 8,000-gallon Diesel fuel tank, two 8,000-gallon Regular gasoline tanks and one approximately 500-gallon Waste Oil tank.

This information is available in alternate format. Contact Michelle Waters-Ekanem, Director of Diversity/Civil Rights at 617-292-5761.  
TTY# MassRelay Service 1-800-439-2370  
MassDEP Website: [www.mass.gov/dep](http://www.mass.gov/dep)

Printed on Recycled Paper.

This MassDEP Notice of Noncompliance is based on the observations and information reviewed during the inspection. This Notice does not: (1) apply to actions or other aspects of the facility that were not reviewed during the inspection, (2) preclude future inspections of past, current, or future actions at the facility, (3) in any way constitute a release from any liability, obligation, action or penalty under M.G.L. Chapters 210, 310 CMR 80.00 or any other law, regulation, or requirement, or (4) limit the MassDEP's authority to take or arrange, or to require any facility to conduct any action authorized by M.G.L. Chapters 210 which MassDEP deems necessary to protect health, safety, public welfare, or the environment.

If you have any questions regarding this Notice, please contact Kenneth Atkinson at (978) 694-3267 or Scott Fasulo at (978) 694-3279. Please reference the MassDEP Facility ID #: 308333 and Enforcement Document Number: 00007208 in any future correspondence to MassDEP regarding this Notice.

Very truly yours,



Susan Ruch  
Acting Compliance & Enforcement Section Chief  
and Deputy Regional Director  
Bureau of Air and Waste

SR/SJF/KAA

ecc: Gordon Bullard, Massachusetts Department of Revenue

**NOTICE OF NONCOMPLIANCE**

THIS IS AN IMPORTANT NOTICE. FAILURE TO TAKE ADEQUATE ACTION IN RESPONSE TO THIS NOTICE COULD RESULT IN SERIOUS LEGAL CONSEQUENCES.

Based on the Department of Environmental Protection's ("MassDEP") investigation on July 31, 2018, noncompliance occurred or was observed at City of Newburyport/Department of Public Services, 16A Perry Way, Newburyport, MA, in violation of one or more laws, regulations, orders, licenses, permits or approvals enforced by MassDEP.

This Notice of Noncompliance describes (1) the requirement violated; (2) the date and place on which MassDEP asserts the requirement was violated; (3) either the specific actions which must be taken in order to return to compliance or direction to submit a written proposal describing how and when you plan to return to compliance; and (4) the deadline for taking such actions or submitting such a proposal.

If the required actions are not completed by the deadlines specified below, an administrative penalty may be assessed for every day after the date of receipt of this Notice that the noncompliance occurs or continues. MassDEP reserves its rights to exercise the full extent of its legal authority in order to obtain full compliance with all applicable requirements, including, but not limited to, criminal prosecution, civil action including court-imposed civil penalties, or administrative action, including administrative penalties imposed by MassDEP and the imposition of a delivery prohibition order and lockout of your UST system(s).

**NAME OF ENTITY IN NONCOMPLIANCE:**

City of Newburyport/Department of Public Services  
MassDEP Facility ID # 308333

(hereinafter referred to as the "Facility")

**LOCATION WHERE NONCOMPLIANCE OCCURRED OR WAS OBSERVED:**

16A Perry Way  
Newburyport, MA 01950

**DATE(S) WHEN NONCOMPLIANCE OCCURRED OR WAS OBSERVED:**

July 31, 2018

**DESCRIPTION OF NONCOMPLIANCE:**

MassDEP's investigation shows that the Facility had the following violations:



A. Underground Storage Tanks:

1. **The Facility failed to have operational leak detection equipment on the waste oil tank. It appears that at one time the tank had interstitial monitoring installed but it is no longer operating. The regulation, 310 CMR 80.19(3)(a), states:**

"Tanks (except tanks used to supply fuel to emergency generator engines and emergency engine driven pumps) installed on or after January 1, 1989, and emergency generator tanks and emergency engine driven pumps installed on or after January 2, 2015, shall be equipped with a system that continuously monitors interstitial space.

1. The interstitial monitors shall be installed and operated in accordance with the manufacturers' specifications.
2. The system shall comply with 310 CMR 80.26(3).
3. The interstitial monitoring shall detect leakage through the inner wall of any tank.
4. For UST systems using continuous vacuum, pressure, or hydrostatic methods (including brine systems) of interstitial monitoring, the method shall be capable of detecting a breach in the inner and outer walls of the tank."

2. **The Facility failed to have an overfill prevention device installed on the waste oil tank. The regulation 310 CMR 80.21(2), states:**

"UST systems shall have an overfill prevention device that is designed to allow a tank tightness test and installed in accordance with the manufacturer's specifications.

(a) On or after January 2, 2015, new or replacement ball float valves are prohibited from being used as the primary overfill prevention device. Owners and Operators may continue to use ball float valves as a secondary overfill prevention device, unless the ball float valve interferes with the operation of the primary overfill prevention device. Ball float valves installed prior to January 2, 2015 may be used as the primary overfill prevention device until the ball float valve is replaced.

(b) All UST systems shall be equipped with one of the following:

1. An automatic shut off valve, float or flapper that shall automatically and completely shut off flow into the tank when the tank is no more than 95% full.
2. A device which shall sufficiently alert the operator and regulated substance deliverer when the tank is at a maximum of 90% full by triggering a high-level alarm.
  - a. All high level alarms installed on and after January 2, 2015 shall be visible and audible.
  - b. All high-level alarms shall be clearly labeled as a tank overfill alarm.
3. A ball float valve which shall alert the regulated substance deliverer by restricting the flow into the tank 30 minutes prior to overfilling, in accordance with 310 CMR 80.21(2)(a)."

3. The Facility failed to submit an accurate UST registration information to the Department, in violation of 310 CMR 80.23(1)(a)3. Specifically, the approximately 500-gallon underground waste oil storage tank is not listed on the registration and does not match what was found during the onsite inspection. The regulation, 310 CMR 80.23(1)(a)3., states:

"Description of UST components including, but not limited to, leak detection, corrosion prevention, spill bucket and overfill prevention;"

4. The waste oil tank fill cover is not painted the correct color, in violation of 310 CMR 80.24(4). The standard color for the waste oil fill cover is purple. The regulation, 310 CMR 80.24(4), states:

"The Owner or Operator shall ensure that fill pipe covers of tanks are painted and maintained in accordance API Recommended Practice 1637, 3<sup>rd</sup> Edition, 2006, *Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals.*"

5. The Facility failed to remove standing water and diesel fuel from the following spill buckets, in violation of 310 CMR 80.28(2)(a):

- a. The #1 Regular gasoline tank has approximately 0.25 inches of water in the fill spill bucket.
- b. The Diesel fuel tank has a puddle of fuel in the fill spill bucket.

The regulation, 310 CMR 80.28(2)(a), states:

"The Owner or Operator shall keep spill buckets clean and free of solid and liquid material."

6. The Facility failed to keep a monthly inspection report or log which includes the waste oil tank, in violation of 310 CMR 80.35(4). Specifically, the Facility did not have all of the monthly records of inspecting the spill buckets, verifying that the grade level fill covers are the proper color and ensuring that the electronic monitoring equipment is currently on and properly operating. The regulation, 310 CMR 80.35(4), states:

"Every requirement under 310 CMR 80.35(2) shall be recorded on a monthly inspection report or log that contains at a minimum the following information:

- (a) Whether the component is properly operating and being maintained.
- (b) Any repairs conducted on components designated as not operating or being maintained in accordance with 310 CMR 80.00, the manufacturer's specifications and all applicable codes and standards."

7. The Facility failed to maintain the following records (in hard copy or electronically), and was unable to make them available to the Department upon request, in violation of

**310 CMR 80.36(1). Specifically, the Facility failed to produce any waste oil tank interstitial monitoring leak detection records. The regulation, 310 CMR 80.36(1), states:**

"For a minimum of four years, the Owner or Operator shall maintain records in hard copy or electronically, and shall make them available to the Department as soon as possible following a request, but in no event more than seven business days after the request."

**8. Respondent has never submitted a Third-Party Inspection Report for the waste oil tank on or before the UST facility compliance date, in violation of 310 CMR 80.49(2). The regulation, 310 CMR 80.49(2), states:**

The Owner and Operator shall ..... submit the third-party inspection report to the Department on or before the UST facility compliance date established in 310 CMR 80.49(2)(a) through(g).

**9. The Facility failed to maintain financial responsibility for the approximately 500-gallon waste oil tank, in violation of 310 CMR 80.52(3)(a). The regulation, 310 CMR 80.52(3)(a), states:**

"An Owner or Operator of UST systems shall maintain and demonstrate financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of UST systems in at least the following annual aggregate amounts:

(a) For Owners and Operators of 1 to 100 tanks, \$1 million."

**10. The Facility failed to have a copy of the Certification of Financial Responsibility available for review on the day of the inspection that included the waste oil tank, in violation of 310 CMR 80.59(3). The regulation, 310 CMR 80.59(3), states:**

"An Owner or Operator using a financial assurance mechanism specified in 310 CMR 80.54(1) through (11) shall maintain an updated copy of a certification of financial responsibility worded as follows, except that instructions in brackets are to be replaced with the relevant information and the brackets deleted:

**Certification of Financial Responsibility**

[Owner or Operator] hereby certifies that it is in compliance with the requirements 310 CMR 80.51 through 80.63.

The financial assurance mechanism(s) used to demonstrate financial responsibility under 310 CMR 80.51 through 80.63 is (are) as follows:

[For each mechanism, list the type of mechanism, name of issuer, mechanism number (if applicable), amount of coverage, effective period of coverage and whether the mechanism covers "taking corrective action" and/or "compensating third parties for

bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases".]

[Signature of Owner or Operator]  
[Name of Owner or Operator]  
[Title]  
[Date]  
[Signature of witness or notary]  
[Name of witness or notary]  
[Date]"

**ACTION(S) TO BE TAKEN AND THE DEADLINE FOR TAKING SUCH ACTION(S):**

The following action(s) to be taken have individual deadlines associated with them. The Facility shall take the necessary steps to correct the violations within the specified deadlines as noted and shall return to compliance with the requirements described below. MassDEP's regulations at 310 CMR 5.09 presume that you receive this Notice of Noncompliance, if delivered by regular mail, three business days after it was issued (i.e., the date of the cover letter).

**A. Underground Storage Tanks:**

1. Immediately upon receipt of this Notice, the Facility shall comply with the leak detection requirements in compliance with 310 CMR 80.19. **Within thirty (30) days from the date of receipt of this Notice, this office must receive from you written confirmation that this has been done, and will continue to be done**
2. Immediately upon receipt of this Notice, the Facility shall install overfill protection equipment in accordance with 310 CMR 80.21(2). **Within thirty (30) days of your receipt of this Notice, this office must receive from you written confirmation that this has been done, and will continue to be done.**
3. Immediately upon receipt of this Notice, the Facility shall submit a registration for the UST systems at the facility, including accurate underground storage tank sizes, piping description, tank and piping leak detection, corrosion prevention, spill bucket and overfill prevention; in compliance with 310 CMR 80.23(1)(a)3. **Within thirty (30) days from the date of receipt of this Notice, this office must receive from you written confirmation that this has been done, and will continue to be done.** The updated Registration shall be submitted to MassDEP using the UST Data Management System, which can be accessed at <https://ma-ust.windsorcloud.com/ust>. If you need assistance with online filing, please contact MassDEP at 617-565-1035, ext 2.
4. Immediately upon receipt of this Notice, paint the aforementioned cover the appropriate colors, in compliance with 310 CMR 80.24(4). **Within thirty (30) days of your receipt of this Notice, this office must receive from you written confirmation that this has been done, and will continue to be done.**



5. Immediately upon receipt of this Notice, ensure that all tank spill buckets are cleaned of standing water and diesel fuel, in compliance with 310 CMR 80.28(2)(a). **Within thirty (30) days of your receipt of this Notice, this office must receive from you written confirmation that this has been done, and will continue to be done.**
6. Immediately upon receipt of this Notice, the Facility shall record its monthly inspections in a report or log, for the waste oil tank, which shall include (a) whether the components are properly operating and being maintained, and (b) any repairs that were made on the components, in compliance with 310 CMR 80.35(4). The Facility shall submit monthly inspection reports since the date of inspection, to this office. **Within thirty (30) days of your receipt of this Notice, this office must receive from you written confirmation that this has been done, and will continue to be done.**
7. Immediately upon receipt of this Notice and thereafter, the Facility shall record results of all leak detection tests for the waste oil tank, in compliance with 310 CMR 80.36(1). The Facility shall also maintain the monthly Liquid Status reports. **Within thirty (30) days of your receipt of this Notice, this office must receive from you written confirmation that this has been done, and will continue to be done. Within thirty (30) days of your receipt of this Notice, the Facility shall also print and submit the most recent Liquid Status report to this office.**
8. Within **forty-five (45) days** of the date of the effective date of this Consent Order, the Owner or Operator shall submit to MassDEP a copy of the fully completed Third-Party Inspection Report documenting that a Third-Party Inspection was performed on the waste oil underground storage tank(s) and related piping, in compliance with 310 CMR 80.49(2). The Third-Party Inspection Report shall be submitted to MassDEP using the UST Data Management System, which can be accessed at <https://ma-ust.windsorcloud.com/ust>. If you need assistance with online filing, please contact MassDEP at 617-556-1035, ext. 2.
9. Immediately upon receipt of this Notice, the Facility shall submit the financial responsibility documentation, in compliance with 310 CMR 80.52(3)(a). **Within thirty (30) days of your receipt of this Notice, this office must receive from you written confirmation that this has been done, and will continue to be done.**
10. Immediately upon receipt of this Notice, demonstrate compliance with the Certification of Financial Responsibility requirements, in compliance with 310 CMR 80.59(3). **Within thirty (30) days from the receipt of this Notice, submit documentation to demonstrate compliance with the Certification of Financial Responsibility requirements to MassDEP.**

NO FURTHER TEXT ON THIS PAGE


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If you fail to comply with the requirements of this NON in the manner described above and by each applicable deadline(s) listed above, you can be assessed a civil administrative penalty by MassDEP. Your total penalty exposure can be considerable. For example, should you fail to comply in the manner required by the deadline(s) listed above, you can be assessed a penalty for **each day** you remain in noncompliance after the deadline expires. In addition, the penalty can be back-calculated to the date you received this NON. As a result, **you can be penalized several thousand dollars should you fail to comply with or respond to this NON by the deadline(s) above.** Please refer to the MassDEP's web link at <http://www.mass.gov/eea/agencies/massdep/service/regulations/> for a copy of the Administrative Penalty Statute, Chapter 21A, Section 16 and 310 CMR 5.00, the Civil Administrative Penalty Regulations.

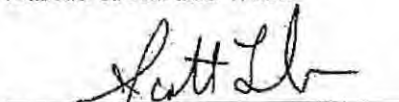
\*\*\*\*\*

Please address your reply to this Notice of Noncompliance to Kenneth Atkinson at this office.

Date: JUN 11 2019



Susan Ruch  
Acting Compliance & Enforcement Section Chief  
and Deputy Regional Director  
Bureau of Air and Waste



Scott Fasulo  
Environmental Analyst



Kenneth Atkinson  
Environmental Analyst

SR/SJF/KAA

July 11, 2019

Ms. Susan Ruch  
Acting Compliance & Enforcement Section Chief  
and Deputy Regional Director  
Bureau of Air and Waste  
Massachusetts Department of Environmental Protection  
Northeast Regional Office  
205B Lowell Street  
Wilmington, Massachusetts 01887

**RE: Notice of Noncompliance: Enforcement Number 00007208**  
**City of Newburyport/Department of Public Services**  
**16A Perry Way**  
**Newburyport, Massachusetts 01950**

Dear Ms. Ruch:

The purpose of this letter is to provide the required responses and any supplemental documentation regarding the items listed in the Notice of Noncompliance, Enforcement Number 00007208, Massachusetts Department of Environmental Protection (MassDEP) Facility ID No. 308333, with respect to UST facility #22723, date stamped June 11, 2019, for the property located at 16A Perry Way in Newburyport, Massachusetts (hereinafter referred to as the facility). This letter was prepared by Wilcox & Barton, Inc. on behalf of the City of Newburyport Department of Public Services.

A. Underground Storage Tanks

1. The facility failed to have operational leak detection equipment on the waste oil tank. It appears that at one time the tank had interstitial monitoring installed but it is no longer operating, in violation of 310 CMR 80.19(3)(a).

**Action Required:** Immediately upon receipt of this Notice, the Facility shall comply with the leak detection requirements in compliance with 310 CMR 80.19. Within thirty (30) days from the date of receipt of this Notice, the office must receive from you written confirmation that this has been done, and will continue to be done.

*Response: The waste oil tank is to be upgraded with a new monitoring system console that will allow for continuous interstitial monitoring for leak detection. The facility will contract with National Response Corporation (NRC) to complete this work. We anticipate that this work will be completed within the next 30-60 days. An update will be provided to MassDEP once the work is completed.*

2. The Facility failed to have an overfill prevention device installed on the waste oil tank, in violation of 310 CMR 80.21(2).

Action Required: Immediately upon receipt of this Notice, the Facility shall install overfill protection equipment in accordance with 310 CMR 80.21(2). Within thirty (30) days of your receipt of this Notice, this office must receive from you written confirmation that this has been done, and will continue to be done.

*Response: The new monitoring system console proposal above in the response to Item 1 will also support installation of an overfill prevention device. A high-level alarm will provide an alarm once the tank reaches 80%.*

3. The Facility failed to submit an accurate UST registration information to the Department, in violation of 310 CMR 80.23(1)(a)3. Specifically, the approximately 500-gallon underground waste oil storage tank is not listed on the registration and does not match what was found during the onsite inspection.

Action Required: Immediately upon receipt of this Notice, the Facility shall submit a registration for the UST systems at the facility, including accurate underground storage tank sizes, piping description, tank and piping leak detection, corrosion prevention, spill bucket and overfill prevention; in compliance with 310 CMR 80.23(1)(a)3. Within thirty (30) days from the date of receipt of this Notice, this office must receive from you written confirmation that this has been done, and will continue to be done. The updated Registration shall be submitted to MassDEP using the UST Data Management System, which can be accessed at <https://ma-ust.windsorcloud.com/ust>. If you need assistance with online filing, please contact MassDEP at 617-565-1035, ext 2.

*Response: Registration of the above referenced 500-gallon underground waste oil holding tank is partially completed in the attached copy of UST-4 Tank, Piping, and Component Registration. The 500-gallon underground waste oil storage tank is used as part of facilities floor drain system. Discharge from the floor drains pass through the oil-water separator. Oil flows via gravity to the 500-gallon waste oil holding tank and water flows directly to the municipal sewer. As such, the components of the system are not consistent with options provided on the UST registration in the online portal. Therefore, the UST registration has instead been completed by hand in a digital copy of the paper form and attached to this letter and certain sections have been left blank.*

4. The waste oil tank fill cover is not painted the correct color, in violation of 310 CMR 80.24(4). The standard color for the waste oil fill cover is purple.

Action Required: Immediately upon receipt of this Notice, paint the aforementioned cover the appropriate colors, in compliance with 310 CMR 80.24(4). Within thirty (30) days of your receipt of this Notice, this office must receive from you written confirmation that this has been done, and will continue to be done.

*Response: The waste oil tank fill cover was painted purple by staff at the facility on July 1,*



*2019, as shown in the attached photolog. While not specifically requested by MassDEP within the scope of this Notice of Noncompliance, the facility also painted covers for fill covers for the two regular gasoline tanks and diesel fuel tank associated with the pump island on property. All painted covers are included in the attached photolog.*

5. The Facility failed to remove standing water and diesel fuel from the following spill buckets, in violation of 310 CMR 80.28(2)(a):
  - a. The #1 Regular gasoline tank has approximately 0.25 inches of water in the fill spill bucket.
  - b. The Diesel fuel tank has a puddle of fuel in the fill spill bucket.

Action Required: Immediately upon receipt of this Notice, ensure that all tank spill buckets are cleaned of standing water and diesel fuel, in compliance with 310 CMR 80.28(2)(a). Within thirty (30) days of your receipt of this Notice, this office must receive from you written confirmation that this has been done, and will continue to be done.

*Response: Staff at the facility removed the water/puddle in the fill spill buckets on July 1, 2019. The cleaned spill buckets are shown in the attached photolog.*

6. The Facility failed to keep a monthly inspection report or log which includes the waste oil tank, in violation of 310 CMR 80.35(4). Specifically, the Facility did not have all of the monthly records of inspecting the spill buckets, verifying that the grade level fill covers are the proper color and ensuring that the electronic monitoring equipment is currently on and properly operating.

Action Required: Immediately upon receipt of this Notice, the Facility shall record its monthly inspections in a report or log, for the waste oil tank, which shall include (a) whether the components are properly operating and being maintained, and (b) any repairs that were made on the components, in compliance with 310 CMR 80.35(4). The Facility shall submit monthly inspection reports since the date of inspection, to this office. Within thirty (30) days of your receipt of this Notice, this office must receive from you written confirmation that this has been done, and will continue to be done.

*Response: The facility will inspect the waste oil holding tank using the MassDEP inspection template fulfilling the requirements put forth by 310 CMR 80.35(4). The facility representative has confirmed that an inspection will be completed and will continue to be completed as part of their existing underground storage tank inspection and monitoring program, and submitted to MassDEP on a monthly basis.*

7. The Facility failed to maintain the following records (in hard copy or electronically), and was unable to make them available to the Department upon request, in violation of 310 CMR 80.36(1). Specifically, the Facility failed to produce any waste oil tank interstitial monitoring leak detection records.

Action Required: Immediately upon receipt of this Notice and thereafter, the Facility shall record results of all leak detection tests for the waste oil tank, in compliance with 310 CMR

80.36(1). The Facility shall also maintain the monthly Liquid Status reports. Within thirty (30) days of your receipt of this Notice, this office must receive from you written confirmation that this has been done, and will continue to be done. Within thirty (30) days of your receipt of this Notice, the Facility shall also print and submit the most recent Liquid Status report to this office.

*Response: The facility's interstitial monitoring system was not functional at the time of inspection, as such, there are no previous monitoring leak detection records available. The facility will use the same log used for monitoring of other underground storage tanks at the facility to record the results of all future leak detection tests for the waste oil tank, in compliance with 310 CMR 80.36(1). There is no liquid status monitoring currently operational for this tank, so no liquid status report is currently available. Once the upgrades described under Item 1 above are completed, the facility will include the liquid status of the waste oil holding tank in the monthly liquid status report regularly submitted for the three other USTs at the facility.*

8. Respondent has never submitted a Third-Party Inspection Report for the waste oil tank on or before the UST facility compliance date, in violation of 310 CMR 80.49(2).

Action Required: Within forty-five (45) days of the date of the effective date of this Consent Order, the Owner or Operator shall submit to MassDEP a copy of the fully completed Third-Party Inspection Report documenting that a Third-Party Inspection was performed on the waste oil underground storage tank(s) and related piping, in compliance with 310 CMR 80.49(2). The Third-Party Inspection Report shall be submitted to MassDEP using the UST Data Management System, which can be accessed at <https://ma-ust.windsorcloud.com/ust>. If you need assistance with online filing, please contact MassDEP at 617-556-1035, ext. 2.

*Response: The facility will contract with Shawn Conrad of Compliance Testing Services (CTS) to perform the Third-Party inspection of the waste oil underground holding tank and related piping, in compliance with 310 CMR 80.49(2). This report will be submitted to MassDEP on or before by July 31, 2019.*

9. The Facility failed to maintain financial responsibility for the approximately 500- gallon waste oil tank, in violation of 310 CMR 80.52(3)(a).

Action Required: Immediately upon receipt of this Notice, the Facility shall submit the financial responsibility documentation, in compliance with 310 CMR 80.52(3)(a). Within thirty (30) days of your receipt of this Notice, this office must receive from you written confirmation that this has been done, and will continue to be done.

*Response: The facility has prepared and will maintain financial responsibility documentation in compliance with 310 CMR 80.52(3)(a). The waste oil tank will be covered by the City of Newburyport - Local Government Financial Test of Insurance, consistent with the other USTs at the facility.*

10. The Facility failed to have a copy of the Certification of Financial Responsibility available for review on the day of the inspection that included the waste oil tank, in

violation of 310 CMR 80.59(3).

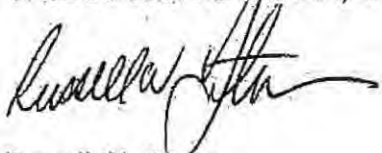
**Action Required:** Immediately upon receipt of this Notice, demonstrate compliance with the Certification of Financial Responsibility requirements, in compliance with 310 CMR 80.59(3). Within thirty (30) days from the receipt of this Notice, submit documentation to demonstrate compliance with the Certification of Financial Responsibility requirements to MassDEP.

*Response: The facility has fulfilled the Certification of Financial Responsibility requirements, in compliance with 310 CMR 80.59(3), attached to this letter.*

Please contact me at (603) 369-4190 x502 or Anthony J. Funari, Director of Public Services for the City of Newburyport, at (978) 465-4464 if you have any questions or require additional information.

Very truly yours,

**WILCOX & BARTON, INC.**



Russell W. Barton  
Principal Geologist

Attachments

cc: Anthony J. Funari, Director of Public Services, City of Newburyport  
Lisa Exum, City of Newburyport  
Jamie Tuccolo, Deputy Director, City of Newburyport  
Timothy Warr, Senior Project Manager, NRC



# CITY OF NEWBURYPORT FY 2020

## TRANSFER/APPROPRIATION REQUEST

TRAN072\_03\_09\_2020

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2020 MAR -3 PM 3:22

**Department:** Department of Public Services

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

**Date Submitted:** 3/9/2020

### Transfer From:

Account Name:	Receipts Reserved for Appr. Fuel	Balance:	\$ 174,788.88
Account Number:	2722-59600	Category:	\$ -
Amount:	\$22,500.00	Trans I/O:	\$ -

#### Why Funds Are Available:

This is the standard method of funding the DPS fuel and oil account. As City departments pay for gasoline, the funds are deposited into this reserve for appropriation account and then transferred into the fuel and oil expenditure account within the Highway budget to purchase more fuel.

### Transfer From:

Account Name:	Water Retained Earnings	Balance:	\$ 1,219,425.00
Account Number:	60-35920	Category:	\$ -
Amount:	\$7,725.00	Trans I/O:	\$ -

#### Why Funds Are Available:

The Massachusetts Department of Revenue certified Retained Earnings for the Water Enterprise Fund for FY2020 at \$1,219,425. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.

### Transfer From:

Account Name:	Sewer Retained Earnings	Balance:	\$ 974,540.00
Account Number:	61-35920	Category:	\$ -
Amount:	\$7,725.00	Trans I/O:	\$ -

#### Why Funds Are Available:

The Massachusetts Department of Revenue certified Retained Earnings for the Sewer Enterprise Fund for FY2020 at \$974,540. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.

### Transfer To:

Account Name:	Tank Upgrades	Balance:	\$ -
Account Number:	New Account	Category:	\$ -
Amount:	\$37,950.00	Trans I/O:	\$ -

#### Why Funds Are Needed:

In June 2019, an underground storage tank at 16A Perry Way failed inspection by MassDEP. The tank is used to collect waste oil from the DPS garage floor drains. The size of the tank, piping, spill bucket, overfill prevention and leak detection & corrosion prevention systems are in violation of current standards set forth by MassDEP and need to be corrected. See attached memo and detailed scope of work.

Donna D. Holaday, Mayor:

Date: 3/3/20

Ethan R. Manning, Auditor:

Date: 3/3/20

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:





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

ANTHONY J. FURNARI, DIRECTOR  
JAMIE TUCCOLO, DEPUTY DIRECTOR/DIRECTOR OF OPERATIONS

PHONE: 978-465-4463 EXT. 1701  
FAX: 978-465-1623

To: Mayor Donna Holaday  
President and Members of the City Council

From: Anthony Furnari, DPS Director

Date: March 3, 2020

Subject: Underground Tank Replacement

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On June 11, 2019, the underground storage tank located at 16A Perry Way failed an inspection conducted by MassDEP. The tank is used to collect waste oil from the DPS garage floor drains.

The MassDEP inspection noted the current tank is not compliant to current underground storage tank regulations (MGL Ch. 210 and 310 CMR 80.00). The size of the tank, piping, spill bucket, overfill prevention and leak detection and corrosion prevention systems are in violation of current standards set forth by MassDEP. The Department of Public Service (DPS) responded to the noncompliance & enforcement action within the thirty-day response period (response dated July 11, 2019). DPS provided all of the required information and supplemental documentation pertaining to the items listed in the notice of noncompliance.

The tank is monitored and emptied in compliance with the action outlined by MassDEP. In order to avoid enforcement action and bring the tank into full compliance, the tank requires an immediate replacement. The estimated project cost is \$37,950 funded approximately 60% by the Receipts Reserved for Appropriation Fuel Account and 20% by both the Water and Sewer Enterprise Funds.

Attached is the cost estimate that we received in September 2019. The appropriation request breaks down as follows:

Description	Amount
Sept. 2019 Cost Estimate	\$27,500.00
Price Escalation (5%)	\$1,375.00
Permit, Recovery & Transport (15%)	\$4,125.00
Project Contingency (15%)	\$4,950.00
<b>Total Cost</b>	<b>\$37,950.00</b>

Thank you for your consideration.



Deliver via email: [rbarton@wilcoxandbarton.com](mailto:rbarton@wilcoxandbarton.com)

September 9, 2019

Client:  
Wilcox & Barton  
Mr. Russell Barton  
57 Holt Road  
Concord, NH 03301

Site:  
Newburyport DPW  
6A Perry Way  
Newburyport, MA

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#### Work Authorization

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Cyn Environmental Services will schedule and provide the following services upon receipt of this signed work authorization.

It is our understanding that upon authorization – Cyn Environmental Services will be hired by, working for and billing our client for the following services to be performed at the above site- all services to be rendered according to Cyn Environmental pricing:

#### The scope of work as understood:

Remove existing tank top fittings after completely exposed by the city  
Tightness test the tank prior to upgrade  
Remove piping to oil water separator  
Remove vent piping, if required ( not shown on plan )  
Install new tank top sump, fittings, and sensors as shown on drawing  
Install new piping from tank top to oil water separator ( Using existing penetration in OWS )  
If new foundation core needed for the piping, to be by city  
Install new vent piping, if required ( not shown on plan )  
Provide 42" & 12" manholes to be installed by city  
Install all tank sensors and connect to junction boxes provided by the city  
Hydrostatically test new tank sump  
Program and test new console and sensors  
Tightness test the tank ( post construction )  
Prevailing wage labor rates included

#### Earthwork by City of Newburyport

- Remove existing concrete pad and bituminous concrete over tank and piping
- Excavate to expose tank top, piping from separator to tank and tank vent lines
- Foundation core if needed by city
- Dewater excavation, as necessary, to support tank to upgrade. Frac tank provided by NRC
- Excavate and backfill as necessary to install new electrical conduit
- In coordination with tank contractor backfill tank and piping with pea gravel
- Install new concrete pad with new manway and manholes. Manholes and manway provided by tank contractor
- Patch bituminous concrete pavement

September 9, 2019

Electrical work by City of Newburyport

- Install new LU-4 console (Provided by Cyn) in location determined by Newburyport DPW
- Provide and install all conduit and wiring from the building electrical supply to LU-4 console.
- Provide and install all new conduit and wiring from the LU-4 console to the junction boxes at the tank top. Coordinate location of junction boxes with tank contractor
- The city shall install the conduit through the tank top sump, city to complete wiring to the junction box.

Pricing:

L/E/M 500 gallon Waste Oil UST upgrade: \$27,950.00

Notes:

1. Pricing above is based on services performed Monday-Friday, during normal business hours.
2. Representative for the generator must be available onsite day of services.
3. Quote is subject to 12.5% Recovery fee, Manifest fees, HUB fees, MA Transporter Fee and any and all applicable Cyn fees and charges - please refer to the attached General Conditions.

Terms: Net 30 days

\*\*\*\*\*Upon approval please return via facsimile to (781) 297-7936 for scheduling.

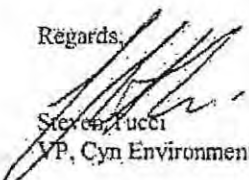
X \_\_\_\_\_  
Signature

X \_\_\_\_\_  
Title

X \_\_\_\_\_  
Date

Thank you for the opportunity.

Regards,

  
Steven Fucci  
VP, Cyn Environmental Services

637

ORDR172\_03\_09\_2020

## CITY OF NEWBURYPORT



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

ORDERED:

March 9, 2020

**THAT, The CITY COUNCIL of the City of Newburyport** accepts with gratitude the following gift:

Donor:	Joanne B. Brislin Trust
Amount:	\$4,793.86
Purpose:	Newburyport Youth Services summer camp scholarships

This gift is accepted in accordance with M.G.L. Chapter 44, Section 53A.

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





TRAN073\_04\_13\_2020

**CITY OF NEWBURYPORT  
FY 2020**RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA**TRANSFER/APPROPRIATION REQUEST**

2020 APR -8 AM 11:56

**Department:** City Clerk**Submitted by:** Richard B. Jones, City Clerk**Date Submitted:** 4/13/2020**Transfer From:**

Account Name:	Essex North Shore Tech.	Balance:	\$ 4,772.00
Account Number:	01398002-53202	Category:	\$ 4,772.00
Amount:	\$4,772.00	Trans I/O:	\$ -

**Why Funds Are Available:**

Tuition and transportation assessments came in under budget.

**Transfer From:**

Account Name:	HWY Streetlights	Balance:	\$ 71,407.64
Account Number:	01421002-52103	Category:	\$ 265,736.14
Amount:	\$5,228.00	Trans I/O:	\$ -

**Why Funds Are Available:**

A surplus is anticipated at year-end.

**Transfer To:**

Account Name:	BDR Elections & Registration	Balance:	\$ -
Account Number:	01163007-57808	Category:	\$ -
Amount:	\$10,000.00	Trans I/O:	\$ -

**Why Funds Are Needed:**

Election costs came in higher than projected due a greater number of elections this fiscal year, as well as, the pay for poll workers increasing due to the change in minimum wage. There have also been a greater number of mailings this year, including the 2020 census.

Donna D. Holaday, Mayor:

Date:

4/17/20

Ethan R. Manning, Auditor:

Date:

4/7/2020

Sponsor: Charles F. Tontar, Councillor At-Large

City Council Approval:

**Committee Items- April 27, 2020**  
**Education Committee**

- **ORDR175\_03\_09\_2020 Newburyport High School Statement of Interest  
- Roof and Science Labs**

EL

ORDR175\_03\_09\_2020

## CITY OF NEWBURYPORT



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

ORDERED:

March 9, 2020

**THAT THE CITY OF NEWBURYPORT**, having convened in an open meeting on \_\_\_\_\_, 2020, prior to the closing date, the City Council of Newburyport, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest dated February 28, 2020 for the Newburyport High School located at 241 High Street which describes and explains the following deficiencies and the priority category(ies) for which an application may be submitted to the Massachusetts School Building Authority in the future:

- 1) Roof
- 2) Science labs

And hereby further specifically acknowledges that by submitting this Statement of Interest form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City to filing an application for funding with the Massachusetts School Building Authority.

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



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

60 PLEASANT STREET - P.O. Box 550  
NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

To: City Councillors

From: Mayor Donna D. Holaday

Date: March 3, 2020

Re: Statement of Interest

Attached please find the MA School Building Authority's required form, Statement of Interest (SOI), to initiate the process for Newburyport to enter the review process for a new roof and upgrades to the science labs at the Newburyport High School.

Steve Bergholm, Director of Facilities, completed this form and the comprehensive information required by MSBA. Mr. Bergholm will be available for the subcommittee review to answer questions. It typically takes several years to be accepted into MSBA process which is why it makes good sense to begin the process at this juncture. The form must be submitted by April 8<sup>th</sup> and I request the City Council vote on the SOI at your meeting on March 30<sup>th</sup>. We anticipate, if accepted into the process, a similar funding percentage from the MSBA as with the Bresnahan new elementary school and renovations to Nock/Molin of approximately 50%. We will not have a detailed plans and true costs until the next step in the process where the city commits funding to complete the feasibility study.

Additional details of the MSBA process may be found at <https://www.massschoolbuildings.org/building>

Thank you

## Massachusetts School Building Authority

2020 MAR -3 PM 2: 54

School District Newburyport

District Contact Steve Bergholm TEL: (978) 465-4440

Name of School Newburyport High

Submission Date 2/28/2020

### SOI CERTIFICATION

To be eligible to submit a Statement of Interest (SOI), a district must certify the following:

- ☒ The district hereby acknowledges and agrees that this SOI is NOT an application for funding and that submission of this SOI in no way commits the MSBA to accept an application, approve an application, provide a grant or any other type of funding, or places any other obligation on the MSBA.
- ☒ The district hereby acknowledges that no district shall have any entitlement to funds from the MSBA, pursuant to M.G.L. c. 70B or the provisions of 963 CMR 2.00.
- ☒ The district hereby acknowledges that the provisions of 963 CMR 2.00 shall apply to the district and all projects for which the district is seeking and/or receiving funds for any portion of a municipally-owned or regionally-owned school facility from the MSBA pursuant to M.G.L. c. 70B.
- ☒ The district hereby acknowledges that this SOI is for one existing municipally-owned or regionally-owned public school facility in the district that is currently used or will be used to educate public PreK-12 students and that the facility for which the SOI is being submitted does not serve a solely early childhood or Pre-K student population.
- ☒ After the district completes and submits this SOI electronically, the district must mail hard copies of the required documentation described under the "Vote" tab, on or before the deadline.
- ☒ The district will schedule and hold a meeting at which the School Committee will vote, using the specific language contained in the "Vote" tab, to authorize the submission of this SOI. This is required for cities, towns, and regional school districts.
- ☒ Prior to the submission of the SOI, the district will schedule and hold a meeting at which the City Council/Board of Aldermen or Board of Selectmen/equivalent governing body will vote, using the specific language contained in the "Vote" tab, to authorize the submission of this SOI. This is not required for regional school districts.
- ☒ On or before the SOI deadline, the district will submit the minutes of the meeting at which the School Committee votes to authorize the Superintendent to submit this SOI. The District will use the MSBA's vote template and the vote will specifically reference the school and the priorities for which the SOI is being submitted. The minutes will be signed by the School Committee Chair. This is required for cities, towns, and regional school districts.
- ☒ The district has arranged with the City/Town Clerk to certify the vote of the City Council/Board of Aldermen or Board of Selectmen/equivalent governing body to authorize the Superintendent to submit this SOI. The district will use the MSBA's vote template and submit the full text of this vote, which will specifically reference the school and the priorities for which the SOI is being submitted, to the MSBA on or before the SOI deadline. This is not required for regional school districts.
- ☒ The district hereby acknowledges that this SOI submission will not be complete until the MSBA has received all of the required vote documentation in a format acceptable to the MSBA. If Priority 1 is selected, your SOI will not be considered complete unless and until you provide the required engineering (or other) report, a professional opinion regarding the problem, and photographs of the problematic area or system. If Priority 3 is selected, your SOI will not be considered complete unless and until you provide a summary of the accreditation report focused on the deficiency as stated in this SOI.

Name of School ----- - SAMPLE SCHOOL[DRAFT]-----

## Massachusetts School Building Authority

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School District Newburyport

District Contact Steve Bergholm TEL: (978) 465-4440

Name of School Newburyport High

Submission Date 2/28/2020

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### Note

#### The following Priorities have been included in the Statement of Interest:

1. ☐ Replacement or renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists.
2. ☐ Elimination of existing severe overcrowding.
3. ☐ Prevention of the loss of accreditation.
4. ☐ Prevention of severe overcrowding expected to result from increased enrollments.
5. ☒ Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.
6. ☐ Short term enrollment growth.
7. ☒ Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.
8. ☐ Transition from court-ordered and approved racial balance school districts to walk-to, so-called, or other school districts.

#### SOI Vote Requirement

☒ I acknowledge that I have reviewed the MSBA's vote requirements for submitting an SOI which are set forth in the Vote Tab of this SOI. I understand that the MSBA requires votes from specific parties/governing bodies, in a specific format using the language provided by the MSBA. Further, I understand that the MSBA requires certified and signed vote documentation to be submitted with the SOI. I acknowledge that my SOI will not be considered complete and, therefore, will not be reviewed by the MSBA unless the required accompanying vote documentation is submitted to the satisfaction of the MSBA.

**SOI Program:** Core

**Potential Project Scope:** Renovation\ Addition

**Is this a Potential Consolidation?** No

**Is this SOI the District Priority SOI?** Yes

**School name of the District Priority SOI:** Newburyport High

**Is this part of a larger facilities plan?** Yes

**If "YES", please provide the following:**

**Facilities Plan Date:** 3/25/2019

**Planning Firm:** Newburyport Public Schools/City of Newburyport



**Please provide a brief summary of the plan including its goals and how the school facility that is the subject of this SOI fits into that plan:**

FY20-24 Capital Improvement Plan: The Newburyport Public Schools, working with the City of Newburyport, updates a 5-year Capital Improvement Plan annually. This plan lists capital needs for all school facilities across the district. The CIP is presented by the Director of Facilities to, and approved by the School Committee before being sent to the Mayor and City Council for prioritization with other capital needs across the city. In recent years the CIP submitted for consideration to the Mayor's Office has included the following for Newburyport High school: exterior woodwork restoration, sidewalk replacements, roof replacement, technology upgrades, energy reduction programs, auditorium sound and lighting system replacement, fire alarm system upgrade, security updates and others. Funding is appropriated as available, and some projects find other sources of funding through grants and/or donations. The current CIP can be found on the city website at: [https://www.cityofnewburyport.com/sites/newburyportma/files/uploads/fy20-24\\_capital\\_improvement\\_program\\_proposed\\_3-25-19.pdf](https://www.cityofnewburyport.com/sites/newburyportma/files/uploads/fy20-24_capital_improvement_program_proposed_3-25-19.pdf)

**Please provide the current student to teacher ratios at the school facility that is the subject of this SOI: 10 students per teacher**

**Please provide the originally planned student to teacher ratios at the school facility that is the subject of this SOI: 10 students per teacher**

**Does the District have a Master Educational Plan that includes facility goals for this building and all school buildings in District? Yes**

**If "YES", please provide the author and date of the District's Master Educational Plan.**

The City of Newburyport has a Master Plan that includes an educational component. The development of the Master Plan was spearheaded by members of the Planning Department and was adopted by the Newburyport City Council in December of 2017. The Master Plan can be found on the city website at: <https://www.cityofnewburyport.com/sites/newburyportma/files/uploads/2017-master-plan-final-printed-version-w-adoption-dates.pdf>

**Is there overcrowding at the school facility? No**

**If "YES", please describe in detail, including specific examples of the overcrowding.**

**Has the district had any recent teacher layoffs or reductions? No**

**If "YES", how many teaching positions were affected? 0**

**At which schools in the district?**

**Please describe the types of teacher positions that were eliminated (e.g., art, math, science, physical education, etc.).**

**Has the district had any recent staff layoffs or reductions? No**

**If "YES", how many staff positions were affected? 0**

**At which schools in the district?**

**Please describe the types of staff positions that were eliminated (e.g., guidance, administrative, maintenance, etc.).**

**Please provide a description of the program modifications as a consequence of these teacher and/or staff reductions, including the impact on district class sizes and curriculum.**

**Does Not Apply**

**Please provide a description of the local budget approval process for a potential capital project with the MSBA. Include schedule information (i.e. Town Meeting dates, city council/town council meetings dates, regional school committee meeting dates). Provide, if applicable, the District's most recent budget approval process that resulted in a budget reduction and the impact of the reduction to the school district (staff reductions, discontinued programs, consolidation of facilities).**

SECTION 6-2: ANNUAL BUDGET MEETING The mayor shall call a joint meeting of the city council and school committee, to include the superintendent of schools, before the commencement of the annual budget process to review the financial condition of the city, revenue and expenditure forecasts, and other relevant information prepared by the mayor in order to develop a coordinated budget. SECTION 6-3: SUBMISSION OF OPERATING BUDGET; BUDGET MESSAGE No later than May 15 of each year, the mayor shall submit to the city council a proposed operating budget for all city agencies, which shall include the school department, for the ensuing fiscal year with an accompanying budget message and supporting documents. The proposed operating budget shall provide a complete fiscal plan of all city funds and activities. The school budget, as adopted by the school committee shall be submitted to the mayor at least 10 days before the submission of the proposed operating budget to the city council. The mayor shall notify the school committee of the date by which the proposed budget of the school committee shall be submitted to the mayor. The mayor and the superintendent of schools shall coordinate the dates and times of the school committee's budget process under the General Laws. Public Hearing - The city council shall publish in at least one (1) local newspaper a notice of the proposed operating budget as submitted by the mayor. The notice shall state (1) the times and places where copies of the entire proposed operating budget are available for inspection by the public, and (2) the date, time and place not less than 14 days after its publication, when a public hearing on the proposed operating budget will be held by the city council. The city council shall adopt the proposed operating budget, with or without amendments, within 45 days following the date the proposed budget is filed with the city clerk. Funding a capital project would likely require an override vote.



## General Description

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**BRIEF BUILDING HISTORY:** Please provide a detailed description of when the original building was built, and the date(s) and project scopes(s) of any additions and renovations (maximum of 5000 characters).

Original construction of Newburyport High School was completed in 1937. A complete renovation and addition occurred from 1999 to 2002.

A project to rehabilitate the exterior woodwork on the high school has been ongoing since 2012 as Community Preservation Funds are made available and allocated to the project. This historic restoration has been designed and monitored by an architectural firm with extensive historic restoration experience, and following strict historic restoration standards.

**TOTAL BUILDING SQUARE FOOTAGE:** Please provide the original building square footage PLUS the square footage of any additions.

215000

**SITE DESCRIPTION:** Please provide a detailed description of the current site and any known existing conditions that would impact a potential project at the site. Please note whether there are any other buildings, public or private, that share this current site with the school facility. What is the use(s) of this building(s)? (maximum of 5000 characters).

Newburyport High School sits on a 13.3 acre site at the top of a hill in a residential neighborhood.

The site also includes the War Memorial Stadium which was recently renovated (completed 2016) including an artificial turf field. The Stadium is used for various sporting events as well as the site for the high school's graduation ceremony.

There is a concession stand near the Stadium along with a small electrical shed that provides power to the Stadium. A baseball field is also located on the site.

The parking areas are insufficient for the number of staff in the building. Some staff and all students have to park off-site. Any project that requires a lay-down area for materials is challenging when done while school is in session.

**ADDRESS OF FACILITY:** Please type address, including number, street name and city/town, if available, or describe the location of the site. (Maximum of 300 characters)

Newburyport High School  
241 High Street  
Newburyport, MA 01950

**BUILDING ENVELOPE:** Please provide a detailed description of the building envelope, types of construction materials used, and any known problems or existing conditions (maximum of 5000 characters).

Exterior walls of the building are brick. They are in generally good condition.

Most windows are over-sized double-hung wooden sash. The one major exception is the south façade which has aluminum frame windows overlooking the stadium. The size of the double-hung windows make them difficult to operate. Most are in good condition, but there are some, particularly on the northeast side of the building that are showing signs of deterioration due to their exposure to the north-east wind coming off the ocean.

Doors are a combination of wooden historic replica and aluminum store-front style. The wooden doors are sometimes problematic from a security standpoint during wet or humid weather when they swell and do not automatically latch securely. During these times they require regular adjustment.

Over the center main portion of the 1937 portion of the building is an asphalt shingled hip roof. This section of roof is in poor condition, needing regular maintenance to replace shingles that blow off during strong wind storms, and leaking in areas where flashing has apparently failed. This roof was installed in 1995.

The remaining sections on the 1937 portion of the building are flat PVC roofs that were last replaced in 1995 as part of a district-wide roofing project. There have been numerous leaks on all four of these separate sections (Library, Auditorium, East Classroom Wing, West Classroom Wing) as can be seen by the number of patches in these areas and stained ceilings that are visible in areas such as the Auditorium.

The five sections described above are on the Building A section of the high school and are in need of replacement as they are approaching 20 years of age.

The EPDM roof on the 2002 addition is in good condition. A small project was conducted on this roof circa 2011 to correct an issue with the membrane pulling away from the bases of several of the roof top air handling units.

**Has there been a Major Repair or Replacement of the EXTERIOR WALLS? YES**

**Year of Last Major Repair or Replacement:(YYYY) 2002**

**Description of Last Major Repair or Replacement:**

The exterior walls on the original (1937) portion of the building have not had a major repair or replacement other than repointing. The addition that was constructed from 1999 to 2002 replaced an earlier addition that was constructed circa 1960.

**Roof Section A**

**Is the District seeking replacement of the Roof Section? YES**

**Area of Section (square feet) 6000**

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe)**

Shingle

**Age of Section (number of years since the Roof was installed or replaced) 24**

**Description of repairs, if applicable, in the last three years. Include year of repair:**

Replacement of shingles that have blown off has occurred in each of the last three years.

**Roof Section B**

**Is the District seeking replacement of the Roof Section? YES**

**Area of Section (square feet) 35100**

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe)**

Flat PVC-this section is made up of four separate areas all last replaced in 1995 including east classrooms, west classrooms, auditorium & library.

**Age of Section (number of years since the Roof was installed or replaced) 24**

**Description of repairs, if applicable, in the last three years. Include year of repair:**

Patching has been performed numerous times on this roof over the past three years including most recently December 2019.

**Roof Section C**

**Is the District seeking replacement of the Roof Section? NO**

**Area of Section (square feet) 18400**

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe)**

Flat EPDM over south classroom area addition that was constructed in 1999-2002

**Age of Section (number of years since the Roof was installed or replaced) 19**

**Description of repairs, if applicable, in the last three years. Include year of repair:**

Minor patching in 2018 & 2019.

**Roof Section D**

**Is the District seeking replacement of the Roof Section?** NO

**Area of Section (square feet)** 7900

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))**

Gym-ballasted EPDM installed in 1999-2002 during the renovation and addition project. Proposed addition would be constructed over this section.

**Age of Section (number of years since the Roof was installed or replaced)** 19

**Description of repairs, if applicable, in the last three years. Include year of repair:**

None

**Roof Section E**

**Is the District seeking replacement of the Roof Section?** NO

**Area of Section (square feet)** 3500

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))**

Cafeteria-sloped PVC installed during the renovation and addition project from 1999 to 2002.

**Age of Section (number of years since the Roof was installed or replaced)** 19

**Description of repairs, if applicable, in the last three years. Include year of repair:**

Patching of seams in the built-in rain gutter in 2019.

**Roof Section F**

**Is the District seeking replacement of the Roof Section?** NO

**Area of Section (square feet)** 450

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))**

Standing seam metal roofing over "connector" areas between the original building and the addition that was constructed in 1999-2002. This includes 9 small separate roof areas.

**Age of Section (number of years since the Roof was installed or replaced)** 19

**Description of repairs, if applicable, in the last three years. Include year of repair:**

Patching of seams and flashing along rising brick walls 2018 & 2019.

**Window Section A**

**Is the District seeking replacement of the Windows Section?** NO

**Windows in Section (count)** 374

**Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))**

Wooden double-hung, double pane windows.

**Age of Section (number of years since the Windows were installed or replaced)** 19

**Description of repairs, if applicable, in the last three years. Include year of repair:**

Miscellaneous sash replacements 2017/2018 and two scheduled for replacement in 2020.

**Window Section B**

**Is the District seeking replacement of the Windows Section?** NO

**Windows in Section (count)** 60

**Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))**

Aluminum double pane

**Age of Section (number of years since the Windows were installed or replaced)** 19

**Description of repairs, if applicable, in the last three years. Include year of repair:**

None

**Window Section C**

**Is the District seeking replacement of the Windows Section?** NO

**Windows in Section (count)** 14

**Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))**

Large wood-frame fixed glass double pane (library & auditorium)

**Age of Section (number of years since the Windows were installed or replaced)** 19

**Description of repairs, if applicable, in the last three years. Include year of repair:**



Exterior trim board replacement on one window in 2019

**MECHANICAL and ELECTRICAL SYSTEMS: Please provide a detailed description of the current mechanical and electrical systems and any known problems or existing conditions (maximum of 5000 characters).**

Both the mechanical and electrical systems were updated as part of the renovation and addition project between 1999 and 2002.

Heat is provided to the school by two natural gas-fired Smith Boilers which provide hot water to various terminal devices throughout the school including nine interior air handling units and three roof-top air handling units which provide fresh air throughout the building. Heat to the classrooms is provided by ceiling mounted fan coil units, and offices generally receive their heat via variable air volume boxes and baseboard radiant heat.

Two Trane chillers provide chilled water for air conditioning to about 90% of the building.

Both boilers are fully operational and receive regular preventive maintenance from in-house staff with assistance from contractors from time to time. The interior fire walls of one boiler were rebuilt approximately three years ago, and the second boiler is in currently in need of that repair.

All mechanical equipment is operational and is in a condition that would be expected at this stage of its life cycle. Mechanical equipment receives regular preventive maintenance from in-house staff with assistance from contractors from time to time.

The entire electrical system from the main switch gear to all branch circuit wiring was replaced during the renovation and addition project from 1999-2002. The main electrical service is 480/277 volt, 4000 amp, three phase. The switch gear and all distribution panels were manufactured by General Electric.

A 250KW Kohler generator provides backup power to selected equipment and emergency lighting.

Lighting throughout the building is a combination of T-8 and compact fluorescent as well as recently converted LED fixtures.

**Boiler Section 1**

**Is the District seeking replacement of the Boiler?** NO

**Is there more than one boiler room in the School?** YES

**What percentage of the School is heated by the Boiler?** 100

**Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)**

Natural gas

**Age of Boiler (number of years since the Boiler was installed or replaced)** 19

**Description of repairs, if applicable, in the last three years. Include year of repair:**

Interior fire brick replaced 2013

**Boiler Section 2**

**Is the District seeking replacement of the Boiler?** NO

**Is there more than one boiler room in the School?** YES

**What percentage of the School is heated by the Boiler?** 100

**Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)**

Natural gas

**Age of Boiler (number of years since the Boiler was installed or replaced)** 19

**Description of repairs, if applicable, in the last three years. Include year of repair:**

Interior fire brick replaced 2018

**Boiler Section 3**

**Is the District seeking replacement of the Boiler?** NO

**Is there more than one boiler room in the School?** YES

**What percentage of the School is heated by the Boiler?** 0

**Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)**

Natural gas (domestic hot water)

**Age of Boiler (number of years since the Boiler was installed or replaced)** 19

**Description of repairs, if applicable, in the last three years. Include year of repair:**

None

**Boiler Section 4**

**Is the District seeking replacement of the Boiler?** NO

**Is there more than one boiler room in the School?** YES

**What percentage of the School is heated by the Boiler?** 0

**Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)**

Electricity (domestic hot water for kitchen)

**Age of Boiler (number of years since the Boiler was installed or replaced)** 19

**Description of repairs, if applicable, in the last three years. Include year of repair:**

Replaced

**Boiler Section 5**

**Is the District seeking replacement of the Boiler?** NO

**Is there more than one boiler room in the School?** YES

**What percentage of the School is heated by the Boiler?** 0

**Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other)**

Electricity (domestic hot water for science labs)

**Age of Boiler (number of years since the Boiler was installed or replaced)** 19

**Description of repairs, if applicable, in the last three years. Include year of repair:**

Replaced

**Has there been a Major Repair or Replacement of the HVAC SYSTEM?** YES

**Year of Last Major Repair or Replacement:(YYYY)** 2002

**Description of Last Major Repair or Replacement:**

All mechanical equipment was replaced during the renovation and addition project from 1999 to 2002.

**Has there been a Major Repair or Replacement of the ELECTRICAL SERVICES AND DISTRIBUTION SYSTEM?** YES

**Year of Last Major Repair or Replacement:(YYYY)** 2002

**Description of Last Major Repair or Replacement:**

All electrical equipment was replaced during the renovation and addition project from 1999 to 2002.

**BUILDING INTERIOR:** Please provide a detailed description of the current building interior including a description of the flooring systems, finishes, ceilings, lighting, etc. (maximum of 5000 characters).

Interior walls are generally constructed of metal studs and gypsum wall board and finished with an egg-shell paint.

Most floors are vinyl composite tile with carpeting in offices, the auditorium and library. Most ceilings areas are suspended grids with acoustical ceiling tile, with some gypsum wall board ceilings in select areas.

Lighting is typically T-8 and compact fluorescent with some recently converted LED fixtures in some areas such as the gym, auditorium, cafeteria, stairways and parking lots.

**PROGRAMS and OPERATIONS:** Please provide a detailed description of the current grade structure and programs offered and indicate whether there are program components that cannot be offered due to facility

**constraints, operational constraints, etc. (maximum of 5000 characters).**

Newburyport High School serves grades nine through twelve and the curriculum is designed around two interconnected premises. First, students will acquire and demonstrate competencies in areas of academics, career options, personal/social relationships and wellness. Second, a major aspect of demonstrating those competencies is successful completion of a core curriculum and elective course work to earn the minimum of 110 credits to be eligible for graduation.

Courses are offered in art and theater, English, math, history/social studies, science and technology, world language, wellness and physical education, and special education.

The one area that is most restricted by facility constraints at Newburyport High School is the Science, Technology and Engineering program. A shortage of teaching and lab space limits the amount of lab time that each class can be allotted.

**EDUCATIONAL SPACES: Please provide a detailed description of the Educational Spaces within the facility, a description of the number and sizes (in square feet) of classrooms, a description of science rooms/labs including ages and most recent updates, a description of the cafeteria, gym and/or auditorium and a description of the media center/library (maximum of 5000 characters).**

9 Math classrooms average approximately 750 sq. ft.  
9 Social Studies classrooms average approximately 750 sq. ft.  
6 English classrooms average approximately 800 sq. ft.  
6 Science classrooms average approximately 850 sq. ft. (most recent updates 2002)  
4 Science Labs average approximately 750 sq. ft.  
6 World Language classrooms and one language lab each average approximately 800 sq. ft.  
5 Special Education classrooms range from 750 to 1200 sq. ft. The Nutrition Lab is 1350 sq. ft.  
One computer lab is 800 sq. ft. and the other was recently converted to a general classroom.

The Distance Learning Lab is a 1200 Sq. Ft. lecture hall

The Art Suite includes 2 classrooms at 1600 & 1800 sq. ft, Photo Lab at 280 sq. ft. and Graphic Arts Computer Lab at 900 sq. ft.

The Library is 6600 sq. ft. and includes a PC Lab, Mac Lab, and quiet study area.  
(the Library was renovated in 2012 including new carpeting, paint, furniture & technology)

The Auditorium is 6600 sq. ft. and seats approximately 660 people.  
The Theater Program has a 900 sq. ft. room adjacent to the Auditorium  
Theater also operates the TV Production Lab (580 sq. ft.) and TV Studio (340 sq. ft.) The Band Room is 1580 sq. ft.  
The 2300 sq. ft. Wood Shop is shared by the Theater group and other programs

The Gym is 12,670 sq. feet including a fitness room  
Three sets of bleachers can seat approximately 600 people  
The Gym includes a full basketball court along with two smaller side courts  
There is a walking track around the perimeter of the gym  
The PE Department also has a 1200 sq. ft. Wellness Classroom

The Cafeteria is approximately 8800 sq. ft. and can seat approximately 300 students. There are currently three lunch periods served by a full kitchen of approximately 1500 sq. ft. Next year we will be transitioning to two lunch periods and accommodating additional students in a room adjacent to the cafeteria.



**CAPACITY and UTILIZATION:** Please provide the original design capacity and a detailed description of the current capacity and utilization of the school facility. If the school is overcrowded, please describe steps taken by the administration to address capacity issues. Please also describe in detail any spaces that have been converted from their intended use to be used as classroom space (maximum of 5000 characters).

Newburyport High School currently serves about 800 students. While there are always challenges to find space for all of the programs and services that are offered, the school is not considered to be overcrowded.

The original Television Production Room is now used as an office for the Technology Department. The Television Production program was relocated into a room that is also used by a Music Technology class.

One computer lab was converted to a general classroom since the lab setting was no longer required due to technological advances.

**MAINTENANCE and CAPITAL REPAIR:** Please provide a detailed description of the district's current maintenance practices, its capital repair program, and the maintenance program in place at the facility that is the subject of this SOL. Please include specific examples of capital repair projects undertaken in the past, including any override or debt exclusion votes that were necessary (maximum of 5000 characters).

The Newburyport Public School Facilities Department consists of a Director of Facilities, Head of Maintenance, two Maintenance Technicians, one Groundskeeper and 17 Custodians serving the three buildings in the district. Service contractors are used to supplement the Facilities Department staff typically working under service contracts for regular predictable maintenance needs on equipment such as emergency generators, fire sprinkler systems, fire alarm systems and several others.

The Facilities Department utilizes the School Dude Maintenance Direct CMMS for all routine maintenance requests. Faculty and Staff are asked to submit requests for any maintenance or custodial needs through School Dude. The requests are routed to the Director of Facilities and Head of Maintenance, and then assigned to appropriate personnel for completion. The Technicians and Custodians mark the work requests complete, and they are then reviewed by the Director of Facilities before being closed.

Preventive maintenance is also scheduled through School Dude, utilizing the PM Direct program. Schedules are developed and maintained for equipment needing regular service. The program then creates a work request when maintenance comes due, and it gets assigned to the appropriate Technician or service contractor. Completion and close-out follows the same procedure as above.

The Newburyport Public Schools, working with the City of Newburyport, updates a 5-year Capital Improvement Plan annually. This plan lists capital needs for all facilities across the district. The CIP is presented by the Director of Facilities to, and approved by the School Committee before being sent to the Mayor and City Council for prioritization with other capital needs across the city. Funding is appropriated as available.

This process has led to a number of projects at the schools, most notably construction of the new Bresnahan School, renovation of the Nock-Molin School and renovation of the War Memorial Stadium at Newburyport High School. Other projects at Newburyport High School that have gone through this process and found funding from various sources include the ongoing Exterior Woodwork Restoration Project, sound and lighting upgrades in the Auditorium, replacement of the fire alarm panel, security upgrades and exterior masonry work to prevent water infiltration which was causing a serious problem with efflorescence.



## Priority 5

***Question 1: Please provide a detailed description of the issues surrounding the school facility systems (e.g., roof, windows, boilers, HVAC system, and/or electrical service and distribution system) that you are indicating require repair or replacement. Please describe all deficiencies to all systems in sufficient detail to explain the problem.***

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The roof sections that are included in this SOI are on the Building A section of Newburyport High School. This is the original portion of the building that was constructed in 1937. The current roofing was installed in 1995, just prior to the major renovation that was undertaken on the high school between 1999 and 2002. We identify these roofs as Pitched Roof, East Classrooms, West Classrooms, Auditorium and Library.

As one of the highest structures in Newburyport, and within close proximity to the ocean, the Pitched Roof section on the high school is often subjected to very strong winds. It is not uncommon for pieces of shingle to be found on the lower roofs and the grounds surrounding the building. Additionally, this section of roof is penetrated by two large air intake and exhaust ducts in the back center of the roof, and other ductwork out of the east and west ends. These areas have been frequently problematic as can be seen by the stained ceiling areas in the attic. The cupola also projects from this roof section, but recent work on the cupola has resolved problems associated with that.

As a part of the renovation and addition project several pieces of mechanical equipment, as well as some skylights were removed from the flat roof sections of Building A. Additionally, other mechanical equipment was installed, and the increase in foot traffic, equipment and materials on these roofs during the construction project caused additional wear and tear, and numerous issues. This has resulted in a patch-worked roof with many potential infiltration points.

As the roof has continued to age, many of shoe patches have begun to detach. Water has found its way under the membrane taking its toll on the insulation and causing it to compact in areas, interrupting the drain channels that were initially built into the roof when it was installed. Ponding can now be seen in many areas with the water unable to reach the drains.

Water has made its way into classrooms and hallways (most recently in the area of Room 340) on the third floor, but has also found its way through wall cavities and come out on the first floor near the Student Support offices. Water stains and falling plaster indicate leaks in the auditorium and on the stage. Intermittent leaking occurs around the skylights in the library.

## Priority 5

***Question 2: Please describe the measures the district has already taken to mitigate the problem/issues described in Question 1 above.***

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Patching each of these roof sections has been an ongoing task since the completion of the renovation and addition project in 2002. This has been done by both in-house staff and roofing contractors including CJ Phoenix, Hurley Roofing and Garland.

In 2011 Gale Associates assisted with a project to repair leaks around the ductwork on the east and west ends of the pitched roof.

As part of the Exterior Woodwork Project-Phase 3, the cupola was restored which solved several water infiltration issues on and around the cupola.

Hurley Roofing spent two full days patching and repairing areas of the four flat roof section in 2016 that are included in this SOI, and they are called back periodically as new leaks appear.

The Newburyport City Council approved \$20,000 to be used for high school roof repairs in November of 2017. Much of this funding has been utilized.

The Director of Facilities conducts roof inspections on a regular basis. The most recent inspection was conducted on September 26, 2019.

### Priority 5

***Question 3: Please provide a detailed explanation of the impact of the problem/issues described in Question 1 above on your district's educational program. Please include specific examples of how the problem prevents the district from delivering the educational program it is required to deliver and how students and/or teachers are directly affected by the problem identified.***

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Leaks sometimes cause the need for teachers to find another space in which to conduct their class, or choose to arrange students around barrels and buckets that are catching water from an active leak. If a class is moved to another space the teacher may not have all of the resources and teaching aids that they would normally work with in their home classroom, thus diminishing the quality of the lesson on that particular day.

Additionally, poor air quality is always a concern when building components become damp from an active leak. If the leak has gone on unnoticed for a period of time before the water actually makes it into a classroom, there could be concerns with mold growth on certain building materials, and it becomes imperative to dry them out as quickly as possible.

Leaks can and have caused damage to teaching materials and other items in classrooms. This causes the need for the teacher to reproduce or replace these items, taking time away from other tasks more directly associated with teaching.

## Priority 5

**Question 4: Please describe how addressing the school facility systems you identified in Question 1 above will extend the useful life of the facility that is the subject of this SOI and how it will improve your district's educational program.**

A new roof will provide protection for these sections of Newburyport High School for the next 25 to 30 years. This in turn will free up both manpower and financial resources that are now being used on roof related issues, to be allocated to other issues throughout the facility. A new roof would also likely provide an improved R-value for the roof, saving on energy costs.

**Please also provide the following:**

**Have the systems identified above been examined by an engineer or other trained building professional?:**

NO

**If "YES", please provide the name of the individual and his/her professional affiliation (maximum of 250 characters):**

Steve Bergholm, Director of Facilities

Newburyport Public Schools

**The date of the inspection:**

**A summary of the findings (maximum of 5000 characters):**

PITCHED ROOF

-some missing/broken asphalt shingles

-water stains around duct penetrations

EAST CLASSROOMS

-standing water cannot reach drains

-loose flashing and exposed edge of membrane

-soft spots noticed in insulation beneath membrane

-small gouge noted

WEST CLASSROOMS

-standing water

-soft spots noted in insulation beneath membrane

-roof fastener poking up beneath membrane

## LIBRARY

- minor ponding
- soft spots in insulation noticed beneath membrane
- some patched failing
- missing mortar above windows in rising walls

## AUDITORIUM

- minor ponding noted
- soft spots in insulation beneath membrane
- small gouge noted
- failing mortar in wall rising above roof section

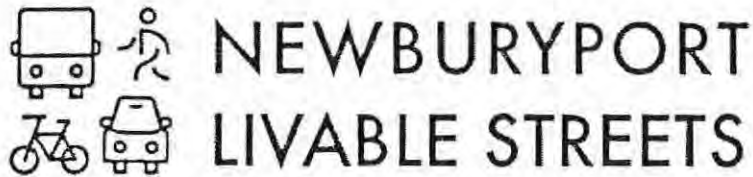
## **Committee Items- April 27, 2020**

### **Neighborhood & City Services**

- COMM194\_10\_15\_19 Ltr from Newburyport Livable Streets
- ODNC050\_02\_24\_2020 Curb Cuts and Notice of Work Involving Sidewalks



NCS



September 30, 2019

Dear Mayor and City Council,

As members of Newburyport Livable Streets, we appreciate the progress the City has made in the past few years under your leadership in support of Complete Streets. We also appreciate being invited to be part of the dialogue as we work collectively to improve our community's transportation network. As you know, there is still a lot of work to be done. To ensure that the City continues to follow our Complete Streets Policy, NLS would like to make some suggestions regarding the processes followed by the City during the planning, design, construction and maintenance of our roads and sidewalks.

We would like to focus your attention on a few sections of the City's policy that are relevant to some of the issues we have observed on recent road and sidewalk projects:

*City officials shall approach every transportation improvement and project phase as an opportunity to create safer, more accessible streets for all users. These phases include, but are not limited to: planning, programming, design, right-of-way acquisition, construction engineering, construction, reconstruction, operation and maintenance. Wherever feasible, Complete Streets design principles shall be incorporated into all new publicly and privately funded projects, and incrementally on existing streets through a series of small improvements and activities over time.*

*Complete Streets principles will be applied in all street construction, retrofit, and reconstruction projects except in the unusual or extraordinary circumstances listed [in the policy]. Even under the conditions outlined [in the policy], a project's impact will be evaluated for the effect it would have on the usefulness of the street for all users, now and in the future, and the ability to implement other adopted plans in the future.*

*When designing a street improvement project, the DPS and OPD shall collaborate with all stakeholders to ensure that, wherever feasible, all users and transportation modes are adequately accommodated. These stakeholders may include, but are not limited to neighborhood groups, individual residents, the Police Department, Fire Department, TSAC, Newburyport Commission on Disabilities, and when required any federal or state agency with jurisdiction or direct interest on the proposed project.*

As such, the City needs to consider whether there are adjustments that can be incorporated to make the street or sidewalk safer for all users when planning any roadway project - from major projects such as road reconstruction and paving, to maintenance projects such as re-striping and patching after utility

work, to installation of traffic signals. We also believe that Complete Streets principles should apply to all phases of a project (from planning through construction). For example, on the recent High Street repaving and sidewalk project, there was a great deal of frustration on the part of the public when it was discovered that a number of heavily used crosswalks would not be re-striped due to lack of appropriate tip downs (ie ramps) at those access points. If those changes had been identified and communicated early on in the process, there would have been an opportunity for public review and comment and the City might have had a chance to respond and potentially work out a solution (e.g. request more funding to add the required tip downs).

In another example on Merrimac Street, NLS believes incremental changes could have been incorporated into the reconstruction of sidewalks that would have helped to alleviate some of the neighborhood concerns around traffic calming and pedestrian safety. With more advanced notice and an avenue for submitting those suggestions, we believe the City would have had a chance to consider and potentially modify the scope of the project without significant delay or added expense. Furthermore, we believe the decision to install an asphalt sidewalk on a portion of the street is in direct violation of the City Ordinances and, had there been advance notice and opportunity for discussion of the proposed approach, the decision to use asphalt would likely have been avoided.

Finally, with the recent sidewalk work on both Merrimac and High, we have observed that pedestrians have often been forced into the street to walk alongside vehicular traffic with no physical separation. This issue is particularly concerning where projects impact primary routes to school. Furthermore, as the re-striping of the High Street bike lanes has been further delayed, no provisions have been implemented to provide temporary bike lanes or otherwise create a separation between vehicular and bicycle traffic while the pavement work is concluded. As you know, we have been working for many years (with your support) to encourage families to allow their kids to walk and bike to school. When these key routes are temporarily made uncomfortable or, especially, unsafe for pedestrians and bicyclists, they can be discouraged from continuing (or starting in the first place).

With the above examples in mind, we would like to suggest several steps that the city can take before and during construction in order to provide better communication with residents, ensure that projects stay on schedule and that project budgets are adequately planned for, and make sure that all users' concerns and safety are considered. We believe all of these suggestions are consistent with the City's Complete Streets Policy.

- **We recommend the City post a notice of planned roadway projects (including paving and routine maintenance) 3 to 6 months prior to project start and provide a contact point to whom comments and suggestions can be submitted for consideration.** We understand that not all suggestions will be able to be incorporated into every project, but we think it's important for the City to consider every opportunity for incremental changes.
- **We recommend that any construction project that impacts roads, sidewalks, and bike routes have a clear communication and detour plan that includes regular construction schedule updates via social media and the City's web page, road and sidewalk closure information, recommended detour routes, and identification of safe**

**crossing points.** When school routes are impacted, we recommend that the School Department receive notice well in advance and be provided with a map of the detour routes for walkers and bikers.

- **We recommend that the City require and oversee accommodations and safety measures for bicycles and pedestrians during construction including signage and detours for bicycles and pedestrians.**

As always, NLS is ready and willing to work with the City to develop these procedures and policies for implementing and supporting our Complete Streets Policy. Thank you for your consideration, we look forward to your response and opportunity for further discussion.

Sincerely,

Juliet Walker  
Rick Taintor  
Christine Wallace  
Judy Tymon  
Kitty (Mary) Kracji  
Robert Uhlig  
Benjamin Iacono  
Sheila Taintor

on behalf of Newburyport Livable Streets  
newburyportlivablestreets@gmail.com

*Newburyport Livable Streets seeks to support and improve the health and well-being of our community through education and advocacy related to transportation infrastructure and policies.*

*Our goal is to make it easier for people to bike and walk throughout Newburyport by providing a network of streets, sidewalks and trails that are accessible and comfortable to everyone regardless of age, ability, or mode of travel. We support safe sidewalks, bike routes and neighborhood streets; off-road paths and trails; local transit; and other policies and investments that respect Newburyport's intimate scale and historic character. Livable Streets will nurture a healthy, vibrant city that people want to live in, businesses want to invest in, and tourists want to visit.*

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 24, 2020

## AN ORDINANCE TO AMEND CHAPTER 12 OF THE MUNICIPAL CODE REGARDING CURB CUTS AND NOTICE OF WORK INVOLVING SIDEWALKS

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

*Amend existing Section 12-5 regarding altering the grade, width, sidewalk, etc. of a public way as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:*

Sec. 12-5. – Altering grade, width, sidewalk, curb cuts, etc.

No person shall change the grade of any such street, way or grounds, or of any sidewalk of any such street, way or grounds, or the width of any such sidewalk, including, without limitation, by installing or altering a curb cut, or in any manner alter the grade, width or direction of any curbstone of such sidewalk without permission of department of public services. All proposed curb cuts shall be limited to the minimum width for safe entering and exiting, and shall in no case exceed 24 feet in width; provided, however; that the department public services may require a curb cut to be up to 30 feet in width for commercial or industrial truck traffic. The location of driveway openings in relation to traffic and to adjacent streets must provide for the convenience and safety of vehicular and pedestrian movement within the site. The number of curb cuts on state and local roads shall be minimized.

*Amend existing Section 12-55 regarding notice of work involving city-owned sidewalks, as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:*

Sec. 12-55. – Notice of work involving city-owned sidewalks and curb cuts.

- (a) *Administrative discretion.* Consistent with the city charter and the other provisions of this municipal code, the department of public services shall determine in its



discretion the proper timing for the installation, construction, maintenance, repair, replacement, and reconstruction of any and all portions of city-owned sidewalk, including, without limitation, the installation or alteration of a curb cut.

- (b) *Notice of work.* No fewer than ~~seven (7)~~fourteen (14) calendar days before undertaking the installation, construction, maintenance, repair, replacement, and reconstruction of any portion of a city-owned sidewalk, the department of public services shall cause written notice of such planned work to be posted within 20 feet of delivered to each residence and place of business abutting, the affected portion of sidewalk proposed to be affected, as well as delivered by hand or mail to each residence and place of business abutting such work, and to the city councillors for all wards where such area of work is located.
- (c) *Notice of brick option.* Where the department of public services intends the use of cement or asphalt surface material in the installation, construction, maintenance, repair, replacement, or reconstruction of any portion of a city-owned sidewalk that is located outside of the Downtown Overlay District but within the Newburyport Historic District, no fewer than ninety (90) calendar days before undertaking any such work, the department shall cause written notice thereof to be mailed or delivered by hand to the owner of each parcel abutting the affected portion of sidewalk, as well as to the city councillors for all wards where such area of work is located.
  - (i) Such required notice shall include the estimated cost per square foot to install brick surface material instead of cement or asphalt, as the case may be. Such estimated cost shall exclude all costs that would also be incurred to use cement or asphalt surface material, as the case may be, including, without limitation, work involving grading, base material, and curbstones.
  - (ii) Each owner of an abutting parcel shall have twenty (20) calendar days from the mailing or delivery of such required notice to deliver its own written notice to the department that such owner agrees to pay the incremental cost for the use of brick surface material, instead of cement or asphalt surface material, as the case may be, for the affected portion of sidewalk abutting its parcel. It shall be the responsibility of such owner to confirm delivery to the department of such owner's agreement to pay, and to render such payment at such time as is reasonably required by the department.
  - (iii) No later than twenty (20) days after the expiration of the period in which an abutting owner may agree to pay the incremental cost of brick surface material, the department shall review all such responses, determine in its discretion the feasibility of using brick surface material instead of cement or asphalt surface material, as the case may be, within the area of work, and cause written notice of its determination to be mailed or delivered to each owner that responded timely, as well as to the city councillors for all wards where such area of work is located. The department's determination regarding the feasibility of using brick surface material shall be final. In all cases, work shall be performed by the department or a licensed contractor of the city supervised by the department.

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Councillor Jared J. Eigerman

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Councillor Christine E. Wallace