CITY COUNCIL MEETING AGENDA - VERSION 1  
March 27, 2012  
7:30 PM

1. OPENING PRAYER
2. PLEDGE OF ALLEGIANCE
3. CALL TO ORDER
4. LATE FILE ITEMS
5. PUBLIC COMMENT

CONSENT AGENDA

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

6. APPROVAL OF MINUTES
   March 12, 2012
   (Approve)

7. TRANSFERS
   1. Police/City Clerk/Auditor Ins Claims-RSVAPP $1,164.76 to Police MIS/Comm $697.50, to City Clerk-Admin $467.26
   (Approve)
   2. Assessors-Valuation/Processing $770.00 to Other Supplies $770.00
   (Approve)
   3. Mayor/Planning/IT Free Cash $132,147.20 to GFS $3,600.00, to IT-Computer Exp. $116,047.20, to Planning-Prof Services $12,500.00
   (B&F)

8. COMMUNICATIONS
   1. Movable Sign Eunice James Fitness Studio 31A Pleasant Street
   (L&P)
   2. Outdoor seating renewal for the Port Tavern
   (Approve)
   3. Outdoor seating renewal for the Purple Onion
   (Approve)
   4. Yankee Homecoming 2012 July 29th – August 5th
   (PS)
   5. Outdoor seating renewal for the Upper Crust
   (Approve)
   6. Outdoor seating renewal for the Rockfish
   (Approve)
   7. PMC Kids Ride June 24, 2012
   (PS)

9. APPOINTMENTS – First Reading

   Appointments
   1. Andrew Simpson 1½ Greenleaf Street Bartlett Mall Commission March 1, 2015

END OF CONSENT AGENDA

REGULAR AGENDA

10. COMMUNICATIONS
   8. NPDES MS4 Stormwater Update with short presentation

11. APPOINTMENTS – Second Reading

   Appointments
   3. Rosemary Decie 8 Fenders Avenue Moseley Woods Commission February 1, 2015
   4. Sadie Caticart 4 Vernon Court Bartlett Mall Commission March 1, 2015
   5. Kristin Sherman 9 60th Street Emma Andrews Branch Library Commission March 1, 2013

   Re-Appointments
   7. Wallace W. Thurlow 2 Dorothy Lucey Dr Atkinson Common Commission April 30, 2015
8. Barbara Dowd 12 Merrill Street Library Board of Directors Jan. 1, 2019
10. Elizabeth Valerian 29 Oak Street Emma Andrews Branch Library Commission March 1, 2013
11. Susan Chase 44 Oak Street Emma Andrews Branch Library Commission March 1, 2013
12. Mary Zinck 6 Laurel Road Board of Registrars March 31, 2015

12. ORDERS
   1. Federal Elections Commission Resolution
   2. Special Election June 5, 2012
   3. Special Election Calendar

13. ORDINANCES
   1. Second Reading Amend Ord. 13-180A Designated Employee Parking spaces

14. COMMITTEE ITEMS
   Budget & Finance
   In Committee:
   1. Mayor/School Gen Fd Free Cash $25,000 to Sch. Rev Curric/Staff Devel. $25,000 *01/09/2012
   3. Newburyport Retirement Board Stipend *02/27/2012
   4. Police/Auditor Ins. Claims RSV APP $23,000 to Police Purchase Cruiser $23,000 *03/12/2012
   5. Mayor/Police/DPS Hwy Gen’l Fd Free Cash $84,400 to DPS Hwy St Lights $65,000, to Gen Admin Trvl/Trng $9,400 to Gen. Admin. Maint/Repair City Hall $10,000 *03/12/2012
   6. Mayor/Harbormaster Capital Outlay $2750 to Harbormaster Salary $2750 *03/12/2012
   7. Mayor/Youth Svcs Free Cash $24,000 to Gen Admin Maint/Repair City Hall $24,000 *03/12/2012

   General Government
   In Committee
   Joint Education
   In Committee:
   1. Mayor/School Free Cash $25,000 to School Rev Curric/Staff Devel. $25,000 *01/09/2012

   License & Permits
   In Committee:
   1. Movable Sign application Port City Sandwiches *03/12/2012

   Neighborhoods & City Services
   In Committee:
   1. Newburyport Tree Ordinance *07/22/2010

   Planning & Development
   In Committee:
   1. Newburyport Tree Ordinance *07/22/2010
   3. Amend Ord. Sec. III-C Zoning Map Storey Avenue Re-Zoning *02/13/2012
   4. Conservation Restriction Oleo Woods Open Space Residential Subdivision *03/12/2012

   Public Safety
   In Committee:
   2. Nbpt Labor Day Festival request for 3 day downtown event Sept. 1-3, 2012 *01/30/2012
   3. Amend Ord. 13-180 Parking Resident Harris St. *01/30/2012
4. Amend Ord. 13-180 Parking Resident Middle St.  *01/30/2012
5. 1st Lt. Derek Hines Soldier Assistance Fund Flag Day 5k June 14, 2012 *03/12/2012
6. 2nd annual Jackie Poor Memorial Walk Sept. 30, 2012  *03/12/2012

Public Utilities Committee

In Committee:
1. Street Lighting Recommendation  *09/21/2011
2. Sewer Commission surplus land  *02/13/2012
3. Drain Layer/Utility Contractor Tom Williamson’s Landscape Masonry  *03/12/2012

Rules Committee

In Committee:

15. GOOD OF THE ORDER

16. ADJOURNMENT
CONSENT AGENDA
DRAFT CITY COUNCIL MEETING MINUTES
March 12, 2012

Acting Council President Earls called the meeting to order at 7:30 pm. A moment of silence was held. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Heartquist, Herzog, Ives, Jones, Sullivan, Cameron, Connell, Cronin, Derrivan, Earls. 10 present, 1 absent O'Brien).

1. LATE FILES – Transfer # 7

2. PUBLIC COMMENT – none

CONSENT AGENDA

3. APPROVAL OF MINUTES
   February 27, 2012       (Approved)

4. TRANSFERS
   1. Police Dept. Officer Salary $3,600 to Misc. Supplies $3,600        (Approved)
   2. Police/Auditor Ins. Claims RSV APP $23,000 to Police Purchase Cruiser $23,000  (B&F)
   3. Mayor Budget Contingency $2,000 to Mayor Misc. Expenses $2,000        (Approved)
   4. DPS Highway RSV APP Fuel $108,000 to DPS Fuel $108,000        (Approved)
   5. Mayor/Police/DPS Highway Gen’l Fd Free Cash $84,400 to DPS Highway Street Lights $65,000, to Gen Admin Travel/Training $9,400 to Gen. Admin. Maint/Repair City Hall $10,000  (B&F)
   6. Mayor/Harbormaster Harbormaster Capital Outlay $2750 to Harbormaster Salary $2750  (B&F)

5. COMMUNICATIONS
   1. Movable Sign application Port City Sandwiches  (L&P)
   2. F. Nelson Burns appointee to Whittier Voc Tech School Committee  (R&F)
   3. Oregano’s outdoor seating application food and alcohol renewal -- Removed by Councillor Ives.
   4. Drain Layer/Utility Contractor Tom Williamson’s Landscape Masonry  (Pub Util)
   5. 1st Lt. Derek Hines Soldier Assistance Fund Flag Day 5k June 14, 2012  (PS)
   6. 2nd annual Jackie Poor Memorial Walk Sept. 30, 2012  (PS)
   7. Merrimack Valley Planning Commission City Assessment FY2013  (R&F)

6. APPOINTMENTS – First Reading

<table>
<thead>
<tr>
<th>Sequence</th>
<th>Name</th>
<th>Address</th>
<th>Commission</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Rosemary Decie</td>
<td>8 Fenders Avenue</td>
<td>Moseley Woods Commission</td>
<td>February 1, 2015</td>
</tr>
<tr>
<td>2</td>
<td>Sadie Cathcart</td>
<td>4 Vernon Court</td>
<td>Bartlett Mall Commission</td>
<td>March 1, 2015</td>
</tr>
<tr>
<td>3</td>
<td>Kristin Sherman</td>
<td>9 60th Street</td>
<td>Emma Andrews Branch Library Commission</td>
<td>March 1, 2013</td>
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Re-Appointments

<table>
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<tr>
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<th>Address</th>
<th>Commission</th>
<th>Date</th>
</tr>
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<tbody>
<tr>
<td>4</td>
<td>Edmund R. McGrath</td>
<td>28 Olive Street</td>
<td>Historical Commission</td>
<td>December 1, 2015</td>
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<tr>
<td>5</td>
<td>Wallace W. Thurlow</td>
<td>2 Dorothy Lucey Dr</td>
<td>Atkinson Common Commission</td>
<td>April 30, 2015</td>
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<tr>
<td>6</td>
<td>Barbara Dowd</td>
<td>12 Merrill Street</td>
<td>Library Board of Directors</td>
<td>January 1, 2019</td>
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<tr>
<td>7</td>
<td>Joseph Cutrone</td>
<td>21 Elmira Avenue</td>
<td>Ass't Inspector of Wires</td>
<td>February 1, 2013</td>
</tr>
<tr>
<td>8</td>
<td>Elizabeth Valeriani</td>
<td>29 Oak Street</td>
<td>Emma Andrews Branch Library Commission</td>
<td>March 1, 2013</td>
</tr>
<tr>
<td>9</td>
<td>Susan Chase</td>
<td>44 Oak Street</td>
<td>Emma Andrews Branch Library Commission</td>
<td>March 1, 2013</td>
</tr>
<tr>
<td>10</td>
<td>Mary Zinck</td>
<td>6 Laurel Road</td>
<td>Board of Registrars</td>
<td>March 31, 2015</td>
</tr>
</tbody>
</table>

END OF CONSENT AGENDA

Motion to approve consent agenda as amended by Councillor Jones, seconded by Councillor Cronin. So voted.
REGULAR AGENDA

7. TRANSFERS
   7. Mayor/Youth Svcs Gen’l Fd Free Cash $26,400 to Youth Svcs Kelly School Exp $2,400 and to Gen
      Admin Maint/Repair City Hall $24,000
Motion to waive the rules by Councillor Jones, seconded by Councillor Derrivan. Motion to approve
the $2,400 transfer and refer the $24,000 transfer to Budget & Finance by Councillor Jones, seconded
by Councillor Connell. So voted.

8. COMMUNICATION
   3. Oregano’s outdoor seating application food and alcohol renewal
Motion to approve subject to the updated insurance being received by Councillor Ives, seconded by
Councillor Derrivan. So voted.

9. APPOINTMENTS – Second Reading
Re-Appointments
   12. Dr. Susan Beluk  14 Toppans Lane  Board of Health  February 1, 2015
   13. Madeline Nash  19 Arlington Street  Affordable Housing Trust  February 1, 2014
Motion to approve collectively by Councillor Jones, seconded by Councillor Connell. So voted.

10. ORDERS
   1. Conservation Restriction Oleo Woods Open Space Residential Subdivision
Motion to refer to Planning & Development by Councillor Connell, seconded by Councillor Herzog.
So voted.

10. COMMITTEE ITEMS
   Budget & Finance
   In Committee:
   1. Mayor/School Gen Fd Free Cash $25,000 to Sch. Rev Curric/Staff Devel. $25,000 *01/09/2012
   2. Mayor/Fire Free Cash $33,840 to Fire Med/Physical Test $4,800, to Fire Protective Clothing
      $13,200, to Fire Protective Equipment $15,840 *02/27/2012
   3. Newburyport Retirement Board Stipend *02/27/2012

   General Government
   In Committee

   Joint Education
   In Committee:
   1. Mayor/School Gen Fd Free Cash $25,000 to Sch Rev Curric/Staff Devel. $25,000 *01/09/2012

   License & Permits
   In Committee:
   1. Taxi Cab Renewal Application Port Taxi *01/09/2012
Motion to remove by Councillor Ives, seconded by Councillor Connell. Motion to approve subject to
Police inspections by Councillor Ives, seconded by Councillor Connell. So voted.

   2. Taxi Cab Renewal Application Seacoast Taxi *01/30/2012
Motion to remove by Councillor Ives, seconded by Councillor Jones. Motion to approve subject to
Police inspections by Councillor Ives, seconded by Councillor Connell. So voted.

   Neighborhoods & City Services
   In Committee:
   1. Newburyport Tree Ordinance *07/22/2010
Planning & Development
Councillor Connell said that the committee would be meeting Tuesday, March 13 at 6:30pm in Council Chambers.

In Committee:
1. Newburyport Tree Ordinance *07/22/2010
4. Amend Ord. Sec. III-C Zoning Map Storey Avenue Re-Zoning *02/13/2012

Public Safety
In Committee:
2. Nbpt Labor Day Festival request for 3 day downtown event Sept. 1-3, 2012 *01/30/2012
3. Green Stride Half Marathon October 21, 2012 *01/30/2012

Motion to remove by Councillor Cronin, seconded by Councillor Jones. Motion to approve by Councillor Cronin, seconded by Councillor Connell. So voted.
4. Amend Ord. 13-180 Parking Resident Harris St. *01/30/2012
5. Amend Ord. 13-180 Parking Resident Middle St. *01/30/2012

Motion to remove by Councillor Cronin, seconded by Councillor Cameron. Motion to approve by Councillor Cronin, seconded by Councillor Derrivan. So voted.
7. HMS Bounty visit to City July 12-16, 2012 street use *02/13/2012

Motion to remove by Councillor Cronin, seconded by Councillor Connell. Motion to approve by Councillor Cronin, seconded by Councillor Derrivan. So voted.
8. Amend Ord. 13-180A Designated Employee Parking spaces *02/13/2012

Motion to remove by Councillor Cronin, seconded by Councillor Derrivan. Motion to approve first reading and order published by Councillor Cronin, seconded by Councillor Connell. Roll call vote, 10 yes, 1 absent (O’Brien).
9. American Red Cross 9th Annual Chocolate Tour May 19, 2012 *02/27/2012

Motion to remove by Councillor Cronin, seconded by Councillor Derrivan. Motion to approve by Councillor Cronin, seconded by Councillor Connell. So voted.

Motion to remove by Councillor Cronin, seconded by Councillor Connell. Motion to approve by Councillor Cronin, seconded by Councillor Derrivan. So voted.

Public Utilities Committee

In Committee:
1. Street Lighting Recommendation *09/21/2011
2. Sewer Commission surplus land *02/13/2012

Rules Committee

In Committee:

11. GOOD OF THE ORDER

Acting President Councillor Earls noted that the next meeting is Tuesday March 27, 2012.

12. ADJOURNMENT

Motion to adjourn at 7:53pm by Councillor Jones, seconded by Councillor Derrivan. So voted.
TRANSFERS
City of Newburyport
FY 2012
BUDGET TRANSFER REQUEST

Department: Police /City Clerk / Auditor
Submitted by: Marshall Howard/Rich Jones
Bill Squillace
Date Submitted: 3/20/2012

Transfer From:
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<th>Account Name</th>
<th>YTD Bal:</th>
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<tr>
<td>Insurance Claims-RSV APP</td>
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<td>Account Number:</td>
<td>Trans In:</td>
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<td>2741-10400</td>
<td>$23,000.00</td>
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<td>Amount:</td>
<td>Trans Out:</td>
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<tr>
<td>$1,164.76</td>
<td>$23,000.00</td>
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| Why are Funds Available: Revenue account used to deposit funds received from insurance companies for covered insurance losses and deductible payments. $697.50 was received from the insurance company on 3/13/2012 to replace a police computer that was damaged in a recent accident.

Transfer To:
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<th>Account Name</th>
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<tr>
<td>Police - MIS /Communications</td>
<td>$12,274.38</td>
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<td>Account Number:</td>
<td>Trans In:</td>
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<td>01210009-58501</td>
<td>$13,500.00</td>
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<tr>
<td>Amount:</td>
<td>Trans Out:</td>
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<tr>
<td>$697.50</td>
<td>$ -</td>
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Why are Funds Required: Funds are required to replace a computer in a police cruiser that was damaged in a recent accident.

Transfer To:
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<tr>
<th>Account Name</th>
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<tr>
<td>City Clerk - Administration</td>
<td>$2,729.80</td>
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<tr>
<td>Account Number:</td>
<td>Trans In:</td>
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<tr>
<td>01161002-54200</td>
<td>$2,000.00</td>
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<tr>
<td>Amount:</td>
<td>Trans Out:</td>
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<tr>
<td>$467.26</td>
<td>$ -</td>
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</table>

Why are Funds Required: Funds are required to pay for repairs to the Passport Camera that was damaged. The damage did not exceed the deductible amount included in the City insurance policy for losses of this type and therefore is being paid from the insurance reserve fund.

Donna D. Holaday, Mayor
Date: 3/20/12

William B. Squillace, Auditor
City Council Approval: (Stamp)
Date: 3/20/12
City of Newburyport

FY 2012

BUDGET TRANSFER REQUEST

Department: Assessors
Submitted by: Daniel Raycroft
Date Submitted: 3/7/2012

Transfer From:
Account Name: VALUATION/PROCESSING
Account Number: 01141002-53003
Amount: $770.00
Why are Funds Available: Funds are available in this account because ATB cases have been settled, while incurring minimal expenses.

YTD Bal: $ 4,795.00
Trans In: $ -
Trans Out: $ -

Transfer To:
Account Name: OTHER SUPPLIES
Account Number: 01141004-55800
Amount: $770.00
Why are Funds Required: Needed to fund a new copy machine. The existing copy machine is out of order & can no longer be serviced because of outdated equipment parts & discontinued toner. Also for miscellaneous supplies such as abatement books, letterhead, envelopes, & toner for our HP printers.

YTD Bal: $ 188.94
Trans In: $ -
Trans Out: $ -

Transfer To:
Account Name: 
Account Number: 
Amount: 
Why are Funds Required: 

Donna D. Hoyleady, Mayor
Date: 3/10/12

William B. Squillace, Auditor
Date: 3/10/12

City Council Approval: (Stamp)
City of Newburyport
FY 2012
BUDGET TRANSFER REQUEST

Department: Mayor / Planning/IT
Submitted by: Mayor Holaday / A.Port/ M.Kavanagh Date Submitted: 3/20/2012

Transfer From:
Account Name: Free Cash YTD Bal: $ 1,333,388.00
Account Number: 01-35900
Amount: $132,147.20 Trans In: $ 
Trans Out: $ 457,700.00
Why are Funds Available: Funds are available for any purpose with the approval of the Mayor and a majority vote of the City Council. As of 3/20/12, there are three transfers from "Free Cash" before the City Council totaling $143,240. These transfers are not reflected in the Y-T-D balance stated above.

Transfer To:
Account Name: Geographic Information System (GIS) YTD Bal: $ 100.00
Account Number: 01182002-53003
Amount: $3,600.00 Trans In: $ 
Trans Out: 
Why are Funds Required: Additional funds are required to purchase 2012 Pictometry (Aerial) imagery through our Regional Planning Agency which is compatible with the City’s GIS software. These high quality images are used frequently by the Planning Dept, DPS, Assessors, Building, Parks, etc.

Transfer To:
Account Name: Information Technology - Computer Exp. YTD Bal: $ 51,302.47
Account Number: 01151002-52401
Amount: $116,047.20 Trans In: $ 417,832.00 
Trans Out: $ 
Why are Funds Required: Funds are required to pay for expenses associated with the upgrade of the City computer system (see attached).

Transfer To:
Account Name: Planning - Professional Services YTD Bal: $ 3,000.00
Account Number: 01182001-53001
Amount: $12,500.00 Trans In: $ 
Trans Out: $ 
Why are Funds Required: See the attached memo regarding City participation with Mass Development in preparing a comprehensive and mutually agreeable redevelopment plan for the NRA waterfront parcels.

Donna D. Holaday, Mayor
William B. Squillace, Auditor
City Council Approval: (Stamp)
OUTSTANDING FUNDING REQUIREMENTS

Andrew, last August the City Council appropriated funding the IT Upgrade Plan and Telephone Systems installations.

Specifically: $417,832.00 was appropriated at that time.

Telephone: $140,914.74 (which included installation maintenance and service)

IT Systems: $276,917.26 (hardware and software only) IT services somehow were not funded.

With completion of the IT Upgrade plan nearing I am respectfully requesting that remaining funding for installation and migration be appropriated as we will have invoices pending for these services which are almost complete. Details below from actual accepted and approved IT plan.

| Active Directory and Exchange Migration         | $60,000.00 |
| Project Management                             | 10,000.00  |
| Block Time Service – 200 Hours                 | 23,000.00  |
| **TOTAL IT SERVICES**                          | **$93,000.00** |

Also it has been determined that the data cabling in City Hall is so old (installed 2000) that it does not reliably support the latest network Gigabit speeds and is as a result having a very negative impact on use of the new technology. A quote is attached to this memo to have the data cabling replaced which also facilitates having separate (POE) data drops for the newly implemented VOIP phones. This projects is estimated to cost $23,047.20
Quotation

To: Mark Kavanaugh  
Co: City Of Newburyport

From: Walter Gallagher  (P) 508-244-2428  (F)  508-478-2040  (E) Wgallagher@retrofit.com

<table>
<thead>
<tr>
<th>Qty</th>
<th>Mfg Part No.</th>
<th>OEM</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>RGSNEWPRT</td>
<td>RGS</td>
<td>Retrofit will install 62 Double cat 6 Riser rated cables for the Newburyport town Hall. We will also run 2 cat 6 cable from basement to 2nd floor closet. We will run all cables to the basement and terminate on to existing data racks. All cable will be run in a neat and proper manner. We will keep cable away from all electrical cables as to limit interference. Cable will be in 2 different colors ( one for data one for voice). We will remove old cat 5 cable as per state code. We will have to do this in phase as to take down only small area of the building for less then one day.</td>
</tr>
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Unit Price  | Ext Price  |
<table>
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<tr>
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<tbody>
<tr>
<td>23047.20</td>
<td>23,047.20</td>
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INSTALLATION not included unless itemized above.

PRICES SUBJECT TO CHANGE AT ANY TIME.

QUOTE MAY INCLUDE PROMOTIONAL PRICING VALID THROUGH THE END OF THE CURRENT MONTH.

PRICES MAY CHANGE IF ORDER IS RECEIVED AFTER THE END OF THE CURRENT MONTH.

Subtotal $23,047.20

Shipping $0.00

GRAND TOTAL $23,047.20

Fax Orders to Sales: 508.478.2040
Please attach this quote when submitting the Purchase Order.

Typographical Errors - Retrofit cannot be held bound or held responsible for typographical errors or omissions.
MEMORANDUM

TO: President and Members of the City Council
FROM: Donna D. Holaday, Mayor
CC: Newburyport Redevelopment Authority
    Andrew Port, Director of Planning & Development
    Edward Starzec, Land Entitlements Director, MassDevelopment

RE: Participation in MassDevelopment Program for Redevelopment of NRA Waterfront Parcels

DATE: March 20th, 2012

The purpose of this memorandum is to outline the framework for a key project to be undertaken with MassDevelopment and the NRA, and to provide the rationale for the associated transfer request. As this project is key to the creation of additional park and open space on our waterfront and the completion of NRA work on our waterfront, it is important that we participate fully in the project.

The City of Newburyport and the Newburyport Redevelopment Authority (NRA) have seen decades pass since the Urban Renewal Project first began in downtown Newburyport. Much of the infrastructure, public amenities, and historic preservation in downtown Newburyport are the result of federal funds channeled into Newburyport through the NRA. Several attempts have been made by the NRA since that time to complete the redevelopment of our central waterfront, including one controversial plan for a large hotel and conference center. While there has been considerable debate over the years about the “highest and best use” of these waterfront parcels, there is a general consensus that their use as mere parking lots is not the most desirable one. Much public feedback has indicated a desire to increase open space on our central waterfront, and through this initiative we intend to make that vision a reality.

This administration and the Office of Planning and Development have been working with the Merrimack Valley Regional Transit Authority (MVRTA) during the past year on design alternatives for the Titcomb Street parking facility. The primary benefit of this project for the City will be a reduction in the “footprint” of parking coverage in our beautiful and walkable downtown, including the inappropriately sited parking lots on our central waterfront. As you know, these parking lots (as presently configured) were originally intended to be a temporary use, until redevelopment was complete.

The new unified Downtown Parking Program has resulted in more efficient management of parking needs in our popular downtown business district, as well as additional revenues much needed in these tough economic times. Real-time monitoring of parking demand and usage in all lots will provide us with valuable information toward the design of our new parking facility and the proper management of all surface lots for maximum efficiency. As a result of these efforts, it is our plan to reduce the amount of
parking on the waterfront parcels, thereby making them available for additional park space and meaningful mix of ancillary shops, restaurants, cafes, and residences. A balanced proportion of such uses will provide a functional pedestrian connection between our historic downtown and the Merrimack River accompanied by a compatible mixture of uses. This walkable mix of uses is what makes historic downtown Newburyport vibrant and attractive to our residents and visitors each year.

The NRA is initiating a redevelopment program with MassDevelopment, a quasi-public agency working with private and public-sector clients to stimulate economic growth by eliminating blight, preparing key sites for development, creating jobs, and increasing the state’s housing supply. The project includes a comprehensive assessment of the development constraints for the NRA parcels (both physical and regulatory), a series of public meetings, alternative design options and a final redevelopment plan suitable for consideration by potential developers. The resulting developer Request for Proposals (RFP) will outline the expectations of both the City and NRA, as well as design requirements and standards for architecture, public spaces and pedestrian access. As I’m sure you know there is already significant public access guaranteed for public enjoyment on the central waterfront, including Waterfront Trust properties, the central boardwalk and several “ways to the water” through the NRA parcels. Even the creation of a small mixed-use element would provide much-needed revenues for the creation of additional waterfront park and related amenities.

MassDevelopment brings experience and expertise with regard to development, redevelopment and brownfields sites, and their team - Union Studios (Donald Powers Architects) and Forte Point Associates - will assist with urban design considerations and permitting issues, such as architecture, pedestrian amenities, Chapter 91 requirements and environmental and regulatory constraints. The attached Scope of Services provides additional detail regarding the proposed project and deliverables.

This project represents a new and more appropriate approach toward redevelopment of the NRA parcels, one that is based on cooperation between the City and NRA, and a mutual understanding regarding the need for additional open space and pedestrian access. The framework with MassDevelopment also recognizes that the creation of a larger waterfront park requires capital funds, which can be generated from the inclusion of some retail, office and residential space in the project similar to that found throughout our historic downtown. Such uses (including retail, restaurants and/or cafes) will also provide a better architectural connection to the park than presently exists – what some urban planners refer to as “active frontage.” This, in turn, will make our central waterfront and the park itself a more vibrant and inviting place year-round.

It is important that the City have an equal role in the formulation of any redevelopment plan for our central waterfront. This project represents a unique opportunity to work together with the Newburyport Redevelopment Authority toward a meaningful objective – additional park and open space on our waterfront and the eventual revitalization of these waterfront properties. With the completion of this project, the City will realize the benefits of a cohesive waterfront, and the NRA will have fulfilled its decade old mission and obligation to the City.

Thank you in advance for your assistance with this appropriation, which will ensure that the City has an equal voice in any redevelopment plans for our central waterfront undertaken by MassDevelopment and the NRA.
PHASE 1: CONSTRAINTS, CONTEXT & ASSUMPTIONS

The focus of Phase I is identifying the key underlying constraints, context, and assumptions that will shape the site master plan. A comprehensive understanding of the various constraints—regulatory, environmental, geotechnical, and otherwise—which will limit or otherwise affect the development of the NRA’s waterfront property. Additionally, as part of Phase I the NRA will provide the consultant team with guidance as to what intensity of development (or range of intensities) should be tested.

Note that kickoff will be preceded by delivery of all previously developed workproduct and records pertaining to the site.

Task 1.1 Project Kickoff Meeting (Internal)

The work effort will be initiated via an internal project kickoff meeting, to be attended by representatives of the NRA, the City, MassDevelopment, and the consultant team. Topics to be addressed at this meeting will include (but not be limited to):

- Introductions and roles;
- Scope of services;
- Project schedule;
- Communications protocols;
- Deliverable review protocols; and
- Invoicing and payment protocols.

Task 1.2 Regulatory Context

Fort Point Associates (FPA) will lead the regulatory analysis focusing on the Commonwealth’s Chapter 91 regulations as well as related programs. Where appropriate, this work will draw upon prior research undertaken by FPA for the Foster Hotel project. See subtasks for additional detail.

Task 1.2.1 Chapter 91 Jurisdiction

FPA will conduct a review of available documentation regarding historic tidelands on the site. Due to the limited budget for this effort, FPA does not have the ability to undertake original research as part of this scope of services. FPA has previously assembled a number of in-house historical mapping sources which can be utilized in this effort. Utilizing in-house historical mapping resources as well as other available sources provided by the NRA, the City, and other interested
parties, FPA will determine preliminarily the location of the “original shoreline” or historic mean high water line, which represents the limit of Chapter 91 jurisdiction. The location of the historic mean low water line will also be determined, if possible, to ascertain the boundary between Commonwealth and private tidelands. An overlay plan will be prepared that identify and delineate these boundaries utilizing as a base map an existing topographic survey plan for the site. Final confirmation of jurisdictional boundaries can be obtained through additional research and formal review and approval by the Department of Environmental Protection (DEP). FPA will conduct a review of the project site as it relates to the “historic ways” to the water on both parcels to ensure that these are properly identified and represented as an area of special concern.

As part of this task, FPA will verify that the NRA owns the submerged tidelands adjacent to the project site and will determine what, if any, bearing this may have upon the future redevelopment of the landside parcels.

FPA will develop a summary of the important parameters of Chapter 91 as it relates to potential development options, including implications for height, open space, ground floor use, view corridors, parking, water dependent uses, private and public uses, etc.

**Task 1.2.2 Other Regulatory Programs**

FPA will conduct a review of other federal, state and local regulatory programs and available information that may influence the project design and operational aspects of future waterfront development, including Wetlands Protection Act, Rivers Protection Act, coastal flood plain and storm surge, sea level rise, contaminated soils (DEP Studies), historic districts, view corridors, archaeological resources, and building codes. The limited budget for this effort does not allow FPA to conduct any original research including Phase I environmental research, archaeological sensitivity analyses, etc. FPA will rely on the NRA, the City, and interested parties to provide relevant information.

**Task 1.2.3 Zoning and Planning**

FPA will conduct a review of the existing Master Plans, Harbor Plans and zoning for the site as it relates to waterfront development issues and summarize the constraints and opportunities. Provide recommendations as to whether or not the existing zoning should be modified to allow greater flexibility. Assuming that some modifications may be required, FPA will identify a strategy to obtain zoning relief.

**Task 1.3 Parking Analysis**

The project team will review existing parking studies and data with the goal of identifying potential steps to mitigate the loss of any parking associated with the master plan. While the exact number of
parking spaces potentially displaced will not be known until the design phase is complete, it may be helpful to understand how many spaces could be readily replaced, and at approximately what cost. Note that this analysis is an informal review of existing documentation and no extraordinary steps (i.e., parking structures) will be evaluated or considered in detail.

Task 1.4 Underground Parking Feasibility

Utilizing existing soils mapping and relevant geotechnical reports from other projects, MassDevelopment's in-house engineering staff will prepare a preliminary opinion as to the feasibility of developing below-grade parking in different portions on the site. To the extent feasible given existing information, MassDevelopment will attempt to develop a "planning-level" cost estimate for below grade parking.

Task 1.5 Development Program Assumptions

The NRA, its consultant Barry Abramson, and any other parties it determines appropriate to include will provide the design team with its assumptions regarding development program (including both real estate as well as open space amenities). It is anticipated that the NRA may specify up to three development programs for exploration as part of the design process. Should the NRA wish to make these recommendations as part of a collaborative internal work session, Union Studios and FPA will facilitate such a session.

Task 1.6 Illustrative Plan

Using data provided by NRA, the City, and FPA, Union Studio will prepare one or more plans illustrating the various constraints and assumptions underlying the master plan design process (see Phase II below). The plan will be developed in full color and in a format suitable for reproduction online (pdf), on paper (11" x 17"), and on presentation boards (36" x 48").

Union Studio will provide a draft plan in pdf format to the entire team (clients and consultants) for review. Should the number of complexity of comments merit it, a conference call or in-person meeting will be held to reach consensus. Union Studio will incorporate accepted edits into a final product for distribution to the entire team.

PHASE II: MASTER PLAN DESIGN AND REVIEW

Task 2.1: Public Kickoff Meeting

A public kickoff meeting will be held as part of a regularly-scheduled NRA meeting. MassDevelopment and the consultant team will attend. NRA will coordinate the scheduling of the
meeting and ensure that appropriate representatives of the City and key stakeholder groups are invited. MassDevelopment and the consultant team will facilitate the meeting.

The meeting will include a presentation addressing topics not limited to the following:

- History of the planning process (NRA);
- Goals and objectives for the planning process (NRA);
- Review of the study area, scope of services, and schedule (MassDevelopment and consultant team);
- Site constraints and assumptions (the Phase I work product);
- Questions and comments from the public. The format for this portion of the meeting will be determined with the NRA.

The meeting will be followed by a site walk with the project team. The walk will provide members of the project team (and the NRA and City staff, as appropriate) to discuss existing conditions and the site's urban context with the public in an informal manner.

Task 2.2: Concept Alternatives
Based on the findings of Task 1 (specifically Task 1.5: Development Program Assumptions) and any additional input gained from the Public Kickoff Meeting, Union Studio will prepare up to three concept-level plans in three-dimensional modeling software illustrating the range of possibilities for the site. Note that these alternatives are intended to be concept-level (i.e., more like a three-dimensional massing model than a full-blown rendering). These alternatives will be provided to the NRA, City staff, MassDevelopment, and other members of the consultant team for review and revision.

MassDevelopment staff will estimate the financial benefit/impact of each alternative, using the framework and methodology provided by the Abramson Report.

Once approved, the concepts will be presented to the public at an NRA meeting by the consultant team. Union Studios will provide the capability to make "on the fly" modifications to the concept plans in response to public comment in order to facilitate discussion.

Task 2.3 Preliminary and Final Master Plans
Incorporating and balancing the input from Task 2.2 and previous work, Union Studio will prepare a preliminary illustrative master plan for the preferred alternative delineating proposed building types, sizes and footprints along with conceptual open space, pedestrian, and parking strategies. Union Studio will illustrate the scale and character of the development being proposed by use of the
following, at a minimum:

- Schematic site sections.
- Perspective sketches.
- Precedent photos of similar existing conditions.
- Analytic diagrams and scale comparisons with comparable, exiting places.

Union Studio will provide the NRA, City staff, MassDevelopment, and the rest of the consultant team with draft materials for review. Union Studio will conduct an internal workshop with the NRA, City staff, MassDevelopment, and the rest of the consultant team regarding the Preliminary Master Plan for the purposes of soliciting input and achieving internal consensus. The presentation shall lay out the rationale for design decisions and explain deviations from or compromises to previous design intentions.

Based on input from the Master Plan Review process, Union Studio will prepare a Final Master Plan for the preferred alternative for public presentation. The Final Master Plan will consist of at least the following:

- Illustrative master plan at a minimum of 1:50 scale. Master plan to contain explanatory notes, quantities of parking, legend of building types and known uses, key dimensions and constraints.
- Minimum of 3 proposal-specific perspective renderings, (at least one aerial, at least one street level) communicating scale and architectural character.
- Illustrative site sections, sketches, and other diagrams as required to communicate and explain the proposed master plan to stakeholders.
- Proposed minimum conceptual "form-based" dimensional constraints that would be critical to ensuring a build-out in reasonable conformance with the "vision" presented in the Final Master Plan.

**Task 2.4 Master Plan Presentation**

Union Studio, Fort Point Associates, MassDevelopment, and the NRA and City (as deemed appropriate) will prepare and deliver a public presentation of the Proposed Final Master Plan. The presentation will consist of a restatement of constraints and input from all phases and a presentation of proposed the Final Master Plan as developed in Task 2.3.

**Task 2.5 Final Packaging**

The consultant team will address any issues raised during the final master plan presentation and
package the work product in a format suitable for use in a developer Request for Proposals (RFP) to be prepared by others. The goal of this task is to prepare documentation that clearly communicates the community consensus on the future of the site and provides developers with useful information on site constraints and risk factors.

ASSUMPTIONS:

1. Provided Materials

It is assumed that the NRA and/or the City will provide the project team with information including the following materials. Note that kickoff will be preceded by delivery of all previously developed work products and records pertaining to the site.

- Electronic base mapping;
- Assessor's data for all properties within the vicinity of the study area;
- Information on known and/or suspected environmental contamination on or in the vicinity of the site;
- Copies of the most recent planning and parking studies;
- Copies of relevant development applications;
- Information on any known legal encumbrances on or in the vicinity of the site, including utility easements, rights-of-way, etc.

2. Services Not Included

The following services are specifically not included in this scope of work and will be more appropriately addressed after a developer RFP is issued.

- MEPA permitting
- Historic and archaeological research and/or permitting
- Chapter 91 permitting
- Grant applications

SCHEDULE

- Week 1: Internal Kickoff
- Weeks 1-3: Regulatory Context, Parking, Underground Parking
- Week 4: Constraints Plan
• Week 5: Public Kickoff
• Week 7: Concepts
• Week 8: Preliminary Plan
• Week 10: Final Plan
• Week 12: Presentation
• Week 13: Packaging
APPLICATION FOR MOovable SIGNAGE ON PUBLIC PROPERTY

Application Fee $50.00
Date: 3/12/12

To the City Council of the City of Newburyport:

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

Name of applicant: Envice D. James
Street address of applicant: 31 A Pleasant Street, 187, Newburyport, MA. 01950
City, State, Zip of applicant: Newburyport, MA. 01950
Telephone of applicant: (978) 462-5712 (H), 978-462-5712
Name of business: Envice D. James Fitness Studio
Address of business: 31 A Pleasant Street
Telephone of business: 978-462-5712

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

A Frame Sign placed outside of entry door at 31 A Pleasant St. N/A

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

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

Signature of Applicant or Duly Authorized Agent: [Signature]
Date: 3/12/12
CERTIFICATE OF LIABILITY INSURANCE

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

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

PRODUCER
K&K Insurance Group, Inc.
1712 Magnavox Way
Fort Wayne IN 46804

CONTACT NAME: Mass Merchandising
PHONE (Area No. Ex): 1-800-506-4856
FAX (Area No.): 1-260-459-5590
E-MAIL ADDRESS: info@fitnessinsuranceink.com
PRODUCER CUSTOMER ID #: 10170265

INSURED
CP# 375
Eunice D. James
DBA: Eunice D. James Fitness Studio
51A Pleasant Street, Suite #6
Newburyport, MA 01950
A Member of the Sports, Leisure & Entertainment RPG

INSURER(S) AFFORDING COVERAGE
INSURER A: Nationwide Mutual Insurance Company 23787
INSURER B:
INSURER C:
INSURER D:

COVERAGES
CERTIFICATE NUMBER: 200034631
REVISION NUMBER:

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

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WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY

Y / N | EXCLUDED (Mandatory in NH)
| Y / N | CARE OF WORKER

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 181, Additional Remarks Schedule, if more space is required)

Facility #1: 31A Pleasant Street, Suite #6, Newburyport, MA 01950
Facility Square Footage: 800
Various office locations.
Professional liability is not provided for independent instructor(s).
The certificate holder is added as an additional insured, but only with respect to the liability arising out of the operations of the insured named above.

CERTIFICATE HOLDER

City of Newburyport
60 Pleasant Street
Newburyport, MA 01950
Owner/Manager/Lessor of Premises

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

__________________________
Scott M. Landau

Coverage is only extended to U.S. events and activities.

** NOTICE TO TEXAS INSURED: The insurer for the purchasing group may not be subject to all the insurance laws and regulations of the State of Texas.

ACORD 25 (2009/09)

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City of Newburyport

Application

Food Establishment Outdoor Seating on Public Property

Date: 3/13/12

Name of Business Owner: Bolwyn Corp

Name of Property Owner: Chris Hocon

Business Name: Port Tavern

Business Address: 84 St

Number of Tables Requested: 6 Dimensions: 3 x 3 Material: metal

Number of Chairs Requested: 18 Dimensions: 2 x 3 Material: metal

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

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

Application Requirements

Please submit the following documents with the completed application to:

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

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

2) 8 ½ x 11 sketch of outdoor seating detailing: a) measurements of tables and chairs, b) total width of sidewalk and c) distance between proposed seating and sidewalk.
Application

Food Establishment Outdoor Seating on Public Property (continued)

3) obstacles such as streetlights, signs, trees, benches, and garbage barrels.

4) Applicants seeking approval of outdoor seating for food and alcohol consumption must also submit:
   a) Written and dated approval of the Newburyport License Commission for the outdoor service of alcohol, including the information and sketch used for the basis of the License Commission approval.
   b) 8½ x 11 sketch of outdoor seating cited above must also include a depiction and information on the placement, dimensions, and materials used to create a demarcated area for the service of alcohol.

A completed application for outdoor seating for the service of food and alcohol will also include a written recommendation from the Newburyport Police Department. Upon the City Clerk's receipt of a completed application, the Clerk will request from the Newburyport Police Department a recommendation regarding the application.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

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

[Signature]

Signature of Business Owner
This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not affirmatively or negatively amend, extend or alter the coverage afforded by the policies below. This certificate of insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder.

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

**PRODUCER**
Malcolm & Parsons Ins. Agcy. Inc.
6 Freeman St.
P.O. Box 527
Stoughton, MA 02072

**INSURED**

**DBA:** The Port Tavern
84 State Street
Newburyport, MA 01950

**COVERAGES**

**CERTIFICATE NUMBER:** Master 3/14/12

**REVISION NUMBER:**

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**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES**

Neighborhood Tavern

Liability policies provide coverage for outdoor patio seating.
The City of Newburyport is Additional Insured with respect to Liability.

**CERTIFICATE HOLDER**
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

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City of Newburyport

Application

Food Establishment Outdoor Seating on Public Property

Date: 3-17-12

Name of Business Owner: Nick Poulos

Name of Property Owner: 16-20 Pleasant St Nominee Trust

Business Name: KHNPR management DHA Purple Onion

Business Address: 42-44 Em St

Number of Tables Requested: 5 Dimensions: __________ Material: metal

Number of Chairs Requested: 15 Dimensions: 18 in wide Material: metal

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

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

Application Requirements

Please submit the following documents with the completed application to:

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

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

2) 8 ½ x 11 sketch of outdoor seating detailing: a) measurements of tables and chairs b) total width of sidewalk and c) distance between proposed seating and sidewalk
3) obstacles such as streetlights, signs, trees, benches, and garbage barrels.

4) Applicants seeking approval of outdoor seating for food and alcohol consumption must also submit:
   a) Written and dated approval of the Newburyport License Commission for the outdoor service of alcohol, including the information and sketch used for the basis of the License Commission approval.
   b) 8 1/2 x 11 sketch of outdoor seating cited above must also include a depiction and information on the placement, dimensions, and materials used to create a demarcated area for the service of alcohol.

A completed application for outdoor seating for the service of food and alcohol will also include a written recommendation from the Newburyport Police Department. Upon the City Clerk's receipt of a completed application, the Clerk will request from the Newburyport Police Department a recommendation regarding the application.

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

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

[Signature]
Signature of Business Owner
CERTIFICATE OF LIABILITY INSURANCE

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not affirmatively or negatively amend, extend or alter the coverage afforded by the policies below. This certificate of insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder.

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

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<th>978-462-4434</th>
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<tr>
<td>Chase &amp; Lunt LLC</td>
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<td>Mike Conlin</td>
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| E.L. DISEASE - EA EMPLOYEE $100,000 |
| E.L. DISEASE - POLICY LIMIT $500,000 |

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<th>PROPERTY</th>
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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 114, Additional Remarks Schedule, if more space is required):
Restaurant - limited or no table service

CERTIFICATE HOLDER

Illustration of Coverage

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

James J. Neilson, Esq.

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03/16/2012

Application for Outdoor Seating on Public Property

Tables and chairs around tree in front of Smitten on Inn Street:

Tables: 6 at 28 inches in diameter each

Chairs: 4 per table at 18 inches wide

Tables and chairs in front of Purple Onion on side walk (not used for foot traffic):

Tables: 5 at 28 inches in diameter each

Chairs: 3 per table at 18 inches wide

Thank you

Nick Poulopoulos
YANKEE HOMECOMING 2012 — “Newburyport-A Hidden Jewel”

July 29th – August 5th

March 12, 2012

Dear Newburyport City Council,

My name is David Chretien and I am pleased to introduce myself as the General Chairman for Yankee Homecoming 2012. I have been a lifelong Salisbury resident and have witnessed firsthand the evolution of Newburyport over the years. Yankee Homecoming is very proud to be a part of the last 55-years of the City’s rich history.

“Newburyport-A Hidden Jewel” is our theme. On behalf of the entire Yankee Homecoming committee; our Board of Directors and dedicated volunteer group, I would like to respectfully request the use of the City for this summer’s festivities.

The dates are Sunday, July 29th through Sunday, August 5th. I look forward to sharing our “hidden jewel” with you, our great residents and the many visitors to this beautiful corner of the world.

Thank you, in advance, for your continued accommodation and support of Yankee Homecoming.

Respectfully,

David Chretien
Yankee Homecoming 2012 – General Chairman
City of Newburyport
Application
Food Establishment Outdoor Seating On Public Property
Date: 3/30/12

Name of Business Owner: MARK TRAMONTANA & JENNIFER TRAMONTANA
Phone Number: 978.499.3737  Business Name: THE UPPER CRUST PIZZERIA
Business Address: 44 STATE STREET, NEWBURYPORT, MA 01950
Property Owner: GAETA REAL ESTATE (42-44 STATE ST TRUST)
Number of Tables Requested: 3  Dimensions: 36" ROUND Material: STEEL
Number of Chairs Requested: 12  Dimensions: 16" CAFE CHAIR Material: STEEL

APPLICATION REQUIREMENTS
Please submit the following documents with the completed application to:
City Clerk’s Office
Newburyport City Hall
PO Box 550
60 Pleasant Street
Newburyport, MA 01950

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

2) 8 ½ x 11 sketch of outdoor seating detailing: a) measurements of tables and chairs b) total width of sidewalk and c) distance between proposed seating and sidewalk obstacles such as streetlights, signs, trees, benches, and garbage barrels.

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

Signature of Business Owner
CERTIFICATE OF LIABILITY INSURANCE

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not affirmatively or negatively amend, extend or alter the coverage afforded by the policies below. This certificate of insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder.

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

PRODUCER:
Chase & Lunt LLC
P.O. Box 559
47 State Street
Newburyport, MA 01950
Mark W. Shannon

PHONE: 978-462-4434
FAX: 978-465-6204

CONTACT:

INSURER(S) AFFORDING COVERAGE

INSURER A: Harleysville Insurance

INSURER B: Commerce Insurance Company

INSURER C:

INSURER D:

INSURER E:

INSURER F:

INSURED:
Upper Crust Pizzeria/NBPT
PO Box 1228
Newburyport, MA 01950

COVERAGE:

CERTIFICATE NUMBER:

REVISION NUMBER:

This is to certify that the policies of insurance listed below have been issued to the named above for the policy period indicated. Notwithstanding any requirement, term or condition of any contract or other document with respect to which this certificate may be issued or may pertain, the insurance afforded by the policies described herein is subject to all the terms, exclusions and conditions of such policies. Limits shown may have been reduced by paid claims.

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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required):
Outdoor seating, Sidewalk A-Frame sign, Newburyport Spring & Fall Harvest Festivals. The City of Newburyport is included as Additional Insured as respects general liability, as it relates to the insured's ongoing operations, if required by written contract.

CERTIFICATE HOLDER:
City of Newburyport
City Hall, Pleasant Street
Newburyport, MA 01950

CANCELLATION:

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE:

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The ACORD name and logo are registered marks of ACORD.
City of Newburyport

Application

Food Establishment Outdoor Seating on Public Property

Date: March 20, 2012

Name of Business Owner: Jeff Caswell, Jay Caswell

Name of Property Owner: Jeff Caswell, Jay Caswell

Business Name: Rockfish

Business Address: 38 State St.

Number of Tables Requested: 5
Dimensions: 24" x 44"
Material: Iron

Number of Chairs Requested: 10
Dimensions: 24" x 44"
Material: Iron

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

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

Application Requirements

Please submit the following documents with the completed application to:

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

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

2) 8 ½ x 11 sketch of outdoor seating detailing: a) measurements of tables and chairs
b) total width of sidewalk and c) distance between proposed seating and sidewalk
3) Obstacles such as streetlights, signs, trees, benches, and garbage barrels.

4) Applicants seeking approval of outdoor seating for food and alcohol consumption must also submit:
   a) Written and dated approval of the Newburyport License Commission for the outdoor service of alcohol, including the information and sketch used for the basis of the License Commission approval.
   b) 8½ x 11 sketch of outdoor seating cited above must also include a depiction and information on the placement, dimensions, and materials used to create a demarcated area for the service of alcohol.

A completed application for outdoor seating for the service of food and alcohol will also include a written recommendation from the Newburyport Police Department. Upon the City Clerk's receipt of a completed application, the Clerk will request from the Newburyport Police Department a recommendation regarding the application.

**RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY**

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

[Signature of Business Owner]
CERTIFICATE OF LIABILITY INSURANCE

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

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

PRODUCER
Chees & Lunt Insurance Agency
47 State Street
Newburyport MA 01950

CONTACT NAME: Lynn M Usher, CIC, CSLR c/o RCA AEN
PHONE (N/A): 413-732-5198
FAX (N/A): 413-739-7416
FIRM ADDRESS: Lynn@rca-insurance.com

INSURED
The Rockfish and Fish Monger Realty Trust
38 State St
Newburyport MA 01950


COVERAGES

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

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<td>PRODUCTS- COMMERCIAL 3 1,000,000</td>
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DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES

CERTIFICATE HOLDER IS NAMED AS ADDITIONAL INSURED

CERTIFICATE HOLDER
City of Newburyport
PO Box 550
60 Pleasant Street
Newburyport MA 01950

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

© 1983-2016 ACORD CORPORATION. All rights reserved.
Dear Mr. Jones and Ms. Barker,

I am writing to request that the following item be placed on the next City Council Meeting agenda if possible. The subject is: proposed PMC Kids Ride. I will send the letter below in an email attachment as soon as I am able to access my computer so that you may forward it to City Council Members. I am sending this request now in the interest of time as I found out about your 4:00 pm deadline at approximately 2:00 pm today. Thank you for your consideration.

Sincerely,
Tara Mahon McQuaid

Dear members of the City Council,

I am writing to request authorization to hold a PMC Kids Ride in Newburyport. The Pan Mass Challenge is the major fundraiser for Dana Farber Cancer Institute’s Jimmy Fund. One hundred percent of rider-raised dollars are donated to The Jimmy Fund. The PMC Kids Rides have been happening in communities throughout the state since 2005. If approved, this will be the first PMC Kids Ride in the Greater Newburyport area. The proposed date is June 24, 2012. The proposed time is 9am-1pm. The proposed location is the Clipper City Rail Trail for approximately 1-2 hours as well as Cashman Park for a post-event gathering for 1-2 hours. If you would like to familiarize yourselves with the PMC Kids Rides that have taken place in other communities, please visit www.kids.pmc.org. I hope you share my belief that this would be a positive event for the Greater Newburyport Community. Please let me know if I can provide you with any additional information. Thank you for your consideration.

Respectfully,
Tara Mahon McQuaid

Sent from my iPhone
APPOINTMENTS
FIRST READING
To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: March 7, 2012

Re: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Bartlett Mall Commission. This term will expire on March 1, 2015.

Andrew Simpson
1 ½ Greenleaf Street
Newburyport, MA 01950
ANDREW SIMPSON

Objective

Apply my publishing, journalism, trade association and business experience to help organizations and people learn, grow and prosper.

Experience

    Home office    Newburyport, Mass.

Vice President of Content

- Responsible for directing all online and print editorial content for $6 million global business-to-business publishing company serving property/casualty insurance, risk management, insurance management and small business professionals.
- Helped company grow from $2 million in revenues to $6 million.
- Products include 3 websites, 2 national print magazines and 6 email newsletters.
- Responsible for hiring, managing, training and directing staff of 9 writers and editors in Europe and U.S. while also producing own original content and editing others' content.
- Successfully managed staff transition from print to online journalism.
- Successfully expanded content to include video and podcast production.
- Helped launch 1 new national magazine, 2 new websites and 4 new email newsletters.
- Winner of several business journalism awards.


Founder, Co-Owner, Co-Publisher, Editor

- In 1983, founded publishing company that grew to more than $2 million in revenues.
- Published regional print insurance publication, Insurance Times, and national financial services publication, Financial Services Times.
- Sold Financial Services Times to ABC Capital Cities/Fairchild Publications in 1994 and assumed sole ownership of Insurance Times.


Director of Communications

- First communications director for statewide trade association representing independent insurance agency small business owners.
- Launched association's first magazine, Pacesetter.
- Produced all association communications materials including press releases, ghost-
Andrew Simpson
written articles, membership and annual convention materials.
* Served as association's representative for trade, business and consumer press.
* Managed membership drives, recognition awards and charitable activities, including
  serving on the board of group's adopted charity, Massachusetts Association of Retarded
  Citizens.

          Industry public relations.

          State House and regional news reporter.

Education

Sept. 1972-May 1975  Georgetown University  Washington, D.C.
          B.A. in Government, Graduated with 3.5 GPA

          Transferred to Georgetown University beginning sophomore year.


References

Business

Mitch Dunford, CEO, Wells Publishing, San Diego, Calif., 1.800.897.9965,
mudunford@wellspublishing.com

John Meyer, Young Authors Foundation/Teen Ink, Newton, Mass., 617.964.6800,
john@teenink.com

Personal

Karen Mehegan, Human Resources Director, InTown Veterinary Group, Woburn, Mass.,
781.932.5802, kmegehan@comcast.net

Gary Sandison, Assistant to Mayor, City of Boston, Boston, Mass., 617.262.6864,
gsandison@verizon.net

Other

Board Member, Insurance Industry Charitable Foundation, New York, N.Y.
To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: March 19, 2012

Re: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Planning Board to fill the unexpired term of Julia Godtfredsen. This term will expire on May 31, 2014.

Noah A. Luskin
36 Plummer Avenue
Newburyport, MA 01950
NOAH A. LUSKIN  
36 Plummer Avenue • Newburyport, MA 01950 • Phone 617-939-8054 • Email: noahluskin@gmail.com

EXPERIENCE

Suffolk Construction, Project Manager, April 2011 – Present.

• Manage construction of Dartmouth College Visual Arts Center (~100,000sf, $35m contract)
• Responsible for administration, budget management, subcontractor buyout and coordination with Owner and Architect

Independent Consultant, June 2010 – April 2011. Clients included:

MA School Building Authority
• Managed Green Repair Program projects for the MSBA (~200 projects/ total project budget ~ $500m)
• Developed and maintained schedules and budgets, verify compliance with MSBA funding agreements
• Provided technical assistance to MSBA staff including analysis of policy issues, regulatory issues
• Reviewed and commented on district submissions including constructability, value engineering and cost estimating during the design and preparation of construction plans and specifications
• Evaluated district reimbursement applications, change order requests and final payment submissions


MA Public K-12 Projects
• Managed Feasibility Studies and Design Process for K-12 schools
• Created and updated Total Project Budgets (average budgets $70m/project)
• Procured designers and CM at Risk firms
• Ran public meetings throughout the planning and design process
• Served as project liaison to Massachusetts School Building Authority

University of MA-Boston
• Developed Request for Proposals for Utility and Roadway Master Plan
• Reviewed coordination of projects under construction with 10yr build out master plan

CWB Boylston, LLC, Mandarin Oriental Boston, Senior Project Manager, May 2005 – April 2009.
The Mandarin Oriental Boston project is a 500,000 sf mixed-use development in Boston’s Back Bay neighborhood consisting of condominiums, apartments, a 149 room hotel and retail spaces.

Project Management
• Managed review and approvals for all work under cross easement and purchase and sale agreements with abutting property owners within Prudential Center Redevelopment area
• Coordinated daily construction issues with General Contractor and Architect
• Reviewed and approved all General Contractor PCOs and COs and monthly requisition
• Responsible for permitting with relevant City of Boston agencies
• Served as main contact for all abutter issues and ran monthly abutter meetings

Financial Management
• Created Total Project Budget (~ $450m), performed monthly forecasting/cash flow analysis
• Coordinated financial due diligence for two refinancing transactions
• Managed execution of design team consultant contracts and approved all consultant invoices
• Prepared monthly owner requisition to lender & met with lender’s construction consultant

Mandarin Oriental Hotel Group
• Served as liaison to Mandarin Oriental Hotel Group (“MOHG”)
• Oversaw FFE / OSE & pre-opening budget for MOHG
RF Walsh Company. **Project Manager.** February 2004 – May 2005

**West Revere School Complex, Revere, MA**
- Coordinated the permitting, construction and public meetings for the West Revere School Complex (200,000 sf; $30m)
- Reviewed and approved all project invoices, change orders, consultant contracts
- Updated project budget/cash flow/monthly reports
- Served as liaison to City of Revere neighborhood groups and City of Revere public agencies

**BioSquare Phase II Master plan Roadway, Utilities & Garage, Boston, MA**
- Managed the master landscape plan and master utilities plan for the BioSquare II Complex
- Participated in design, permitting and preconstruction of the BioSquare II Garage (500,000 sf; $28m)

**Boston Redevelopment Authority. **Senior Project Manager. August 2000 – October 2003

**Brownfields Coordinator**
- Designed strategy and plan for city-wide approach to Brownfields remediation
- Reviewed developer proposals and coordinated passage of through development review process
- Managed BRA Brownfields Assessment Pilot and EDIC Brownfields Revolving Loan Fund

**Disposition Coordinator**
- Developed disposition strategy for BRA/EDIC parcels
- Coordinated City-State Surplus Land Partnership where BRA acted as disposition agent for specific State Parcels located within the City of Boston
- Managed internal review committees and conducted financial feasibility analysis on RFP submittals

**Environmental Reviewer**
- Prepared environmental clearances, assessments, notifications and impact statements and reports as required by federal and state regulations for BRA/EDIC activities
- Prepared submissions to State pursuant to Massachusetts Environmental Policy Act (MEPA)

**Boston Department of Neighborhood Development. **Program Manager. July 1998 – August 2000
- Coordinated district programs for nineteen Boston Main Streets Districts
- Developed policies and programs for revitalization of Boston’s historic commercial districts
- Served as liaison to all City of Boston Departments

- Administered Design Review Board and Historic District Commission
- Reviewed development applications for Planning Board and Zoning Board of Appeals
- Managed consultant teams for economic development and rezoning studies

**EDUCATION**

**University of Washington.** Masters of Urban Planning, 1996
- American Planning Association Scholarship Winner, 1995
- Inducted into Tau Sigma Delta, national honor society for Architecture and Allied Arts

**University of Vermont.** B.A. Economic Geography, 1993
- Inducted into Gamma Theta Epsilon, the International Geographic Honor Society

**CERTIFICATIONS**
- MCPPO certified
END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA
COMMUNICATIONS
MEMORANDUM

DATE: March 20, 2012

TO: Richard Jones, City Clerk
    All City Council Members

FROM: Debbie Cheng, Assistant Engineer

COPY: Donna Holaday, Mayor
       Anthony Furnari, DPS Director
       Jon-Eric White, City Engineer

SUBJECT: NPDES MS4 Stormwater Update

Under the Environmental Protection Agency's Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution into the Municipal Separate Storm Sewer Systems (MS4). As a small urbanized area with a population less than 100,000, the City of Newburyport is required to follow the general permit as a Phase II MS4. As part of the NPDES Phase II MS4 permit, the Newburyport needs to fulfill specific requirements, one of which is Public Education and Outreach that requires an annual update to the public and City Council. This update will discuss Newburyport's progress during the last permit year and what we anticipate for the upcoming permit year.

If you have any questions, please feel free to contact me at dcheng@cityofnewburyport.com or Jon-Eric White, City Engineer, at jewhite@cityofnewburyport.com.

Thank you.
APPOINTMENTS
SECOND READING
MAYOR'S APPOINTMENTS
March 27, 2012
SECOND READING

Appointments
1. Rosemary Decie  8 Fenders Avenue  Moseley Woods Commission  February 1, 2015
2. Sadie Cathcart  4 Vernon Court  Bartlett Mall Commission  March 1, 2015
3. Kristin Sherman  9 60th Street  Emma Andrews Branch Library Commission  March 1, 2013

Re-Appointments
4. Edmund R. McGrath  28 Olive Street  Historical Commission  December 1, 2015
5. Wallace W. Thurlow  2 Dorothy Lucey Dr  Atkinson Common Commission  April 30, 2015
6. Barbara Dowd  12 Merrill Street  Library Board of Directors  January 1, 2019
8. Elizabeth Valeriani  29 Oak Street  Emma Andrews Branch Library Commission  March 1, 2013
10. Mary Zinck  6 Laurel Road  Board of Registrars  March 31, 2015

In City Council March 12, 2012
Motion to approve Consent Agenda as amended by Councillor Jones, seconded by Councillor Cronin. So voted.
CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

RESOLUTION

WHEREAS the First Amendment to the United States Constitution was designed to protect the free speech rights of people, not corporations; and

WHEREAS for the past three decades, the United States Supreme Court has transformed the First Amendment into a powerful tool for corporations seeking to evade and invalidate democratically-enacted reforms; and

WHEREAS this corporate takeover of the First Amendment has reached its extreme conclusion in the United States Supreme Court’s recent ruling in Citizens United v. Federal Election Commission, overturning longstanding precedent prohibiting corporations from spending their general treasury funds in our elections; and

WHEREAS the United States Supreme Court’s ruling in Citizens United v. FEC will now unleash a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history; and

WHEREAS the people of the United States have previously used the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and self-government; now therefore be it

RESOLVED that the Newburyport City Council calls upon the United States Congress to pass and send to the states for ratification a constitutional amendment to restore the First Amendment and fair elections to the people; and be it further

RESOLVED that the City Clerk be directed to send a copy of this resolution to Newburyport’s Congressional Representative (John Tierney), Massachusetts State Senator (Steven Baddour), and Massachusetts State Representative (Michael Costello).

Councillor Ari B. Herzog
Councillor Kathleen O'Connor Ives
BACKGROUND ON FEC RESOLUTION:

In January 2010 the United States Supreme Court ruled 5-4 in Citizens United v. Federal Elections Commission that Congress cannot prohibit corporations from spending money on elections.

The court said that such a prohibition would violate the First Amendment-guaranteed free speech rights of corporations. In other words, according to the meaning and intent of the First Amendment, the Court said a corporation should be treated as natural persons and that money equals free speech. Thus, corporations may now spend money to influence the electoral process and take power away from voters.

This resolution requests the Newburyport City Council to call upon the United States Congress to pass and send to the states for ratification a constitutional amendment to overturn the Court’s decision and to restore democracy to the people.

We've amended the Constitution 27 times. There are two ways to do it: either the Court can offer an updated ruling on a new case; or two-thirds of both houses of Congress must pass language to be ratified by the states, followed by three-fourths of state legislatures enacting it.

Similarly-worded resolutions have passed in Massachusetts in Provincetown, Truro, and other Cape Cod communities, along with Great Barrington and Williamstown. To date, no North Shore community has passed a resolution; and no city council has done so either.

Hundreds of cities and towns across the United States have passed such resolutions proposing the Court’s ruling be overturned.

Federally, 12 resolutions were filed during the 112th Congress, including Mass. Congressman James McGovern’s in November 2011. Congressman Tierney was among 24 co-sponsors of this bill.
CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:  

RESOLUTION and ORDER pursuant to the provisions of G.L. c.59, § 21C  
this 27th day of March 2012

NOW THEREFORE BE IT RESOLVED and ORDERED

(1) that the City of Newburyport, pursuant to G.L. c. 59, § 21C(a), shall seek voter approval at the next special election on June 5, 2012 to assess taxes in excess of the amount allowed pursuant to G.L. 59 § 21C for the payment of principal and interest on bonds, notes or certificates of indebtedness, issued by the City of Newburyport to pay costs of (i) designing, constructing, furnishing and commissioning a new Bresnahan Model School building which will be located at 333 High Street, Newburyport, MA 01950, including the payment of all costs incidental or related thereto, (ii) designing, constructing, renovating and upgrading the Nock/Molin Upper Elementary school which is located at 70 Low Street, Newburyport, MA 01950, including the payment of all costs incidental or related thereto, and (iii) designing, constructing, furnishing and commissioning a new Senior & Community Center at the site of the current Bresnahan Elementary School, including the payment of costs incidental or related thereto;

(2) to that end the City Clerk is hereby directed to place the following three questions on the ballot:

Shall the city of Newburyport be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds issued in order to pay costs of designing, constructing, furnishing and commissioning a new Bresnahan Model School building which will be located at 333 High Street, Newburyport, MA 01950, including the payment of all costs incidental or related thereto, including the payment of all costs incidental or related thereto?

Yes ___  No ___

Shall the city of Newburyport be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds issued in order to pay costs of designing, constructing, renovating and
upgrading the Nock/Molin Upper Elementary school which is located at 70 Low Street, Newburyport, MA 01950, including the payment of all costs incidental or related thereto?

Yes ___ No ___

Shall the city of Newburyport be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bonds issued in order to pay costs of designing, constructing, furnishing and commissioning a new Senior & Community Center at the site of the current Bresnahan Elementary School, including the payment of all costs incidental or related thereto, including the payment of all costs incidental or related thereto?

Yes ___ No ___

Councillor Allison Heartquist

VOTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF NEWBURYPORT this _____ day of ______________ 2012 at Newburyport, Massachusetts.

APPROVED by the Mayor this _____ day of ______________ 2012.

Mayor

A TRUE COPY ATTEST:

City Clerk
ORDERED:

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

THAT the City of Newburyport accept the following special election calendar:

1. Wednesday May 16, 2012 - Last Day and hour to register voters for Special Municipal Election (G.L. c. 51, Sec 26, 28)
2. Tuesday, May 29, 2012 - Last day to post warrant (G.L.c 54, Sec 65)
3. Tuesday, June 5, 2012 - Special Municipal Election
4. Friday, June 15, 2012 - Last day and hour to file recount petition with City Clerk (G.L. c. 54, Sec 135)

Councillor Allison Heartquist
ORDINANCES
CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED: 

Date: 

February 13, 2012

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

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

Chapter 13  Traffic and Motor Vehicles
Article 4  Specific Street Schedules
Division 6  Stopping, Standing and Parking
Section 13 – 180A

Delete subsection (e) (3)

Insert a new subsection (e) (3) as follows:

A Downtown Employee paid parking permit is only valid in the designated spaces in the all day parking lots of the Tracey Place lot, Newburyport Redevelopment Authority East Lot and Newburyport Redevelopment Authority West Lot.

Councillor Robert J. Cronin

In City Council February 13, 2012
Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Cameron. So voted.

In City Council March 12, 2012
Motion to remove by Councillor Cronin, seconded by Councillor Derrivan. Motion to approve first reading and order published by Councillor Cronin, seconded by Councillor Connell. Roll call vote, 10 yes, 1 absent (O’Brien).