

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 GIS \$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 |
| 2. Noah Luskin | 36 Plummer Ave. | Planning Board | May 31, 2014 |

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 Cathcart | 4 Vernon Court | Bartlett Mall Commission | March 1, 2015 |
| 5. Kristin Sherman | 9 60 th Street | Emma Andrews Branch Library Commission | March 1, 2013 |

Re-Appointments

- | | | | |
|-----------------------|--------------------|----------------------------|----------------|
| 6. Edmund R. McGrath | 28 Olive Street | Historical Commission | Dec. 1, 2015 |
| 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
9. Joseph Cutrone	21 Elmira Avenue	Ass't Inspector of Wires	Feb.1, 2013
10. Elizabeth Valeriani	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
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
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
2. Amend Ord. 6.5 Environment Article II Wetlands – Wetlands Protection *11/28/2011
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:

1. Amend Ord. 10-9 Miscellaneous offenses – use or consumption of marijuana *11/28/2011
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

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 60 th 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
7. Joseph Cutrone	21 Elmira Avenue	Ass't Inspector of Wires	February 1, 2013
8. Elizabeth Valeriani	29 Oak Street	Emma Andrews Branch Library Commission	March 1, 2013
9. Susan Chase	44 Oak Street	Emma Andrews Branch Library Commission	March 1, 2013
10. Mary Zinck	6 Laurel Road	Board of Registrars	March 31, 2015

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

11. Neil Bleicken	8 Horton Street	Harbor Commission	January 1, 2015
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
2. Amend Ord Zoning Map B1 Zone Storey Ave *11/28/2011
3. Amend Ord. 6.5 Environment Article II Wetlands – Wetlands Protection *11/28/2011
4. Amend Ord. Sec. III-C Zoning Map Storey Avenue Re-Zoning *02/13/2012

Public Safety

In Committee:

1. Amend Ord. 10-9 Miscellaneous offenses – use or consumption of marijuana *11/28/2011
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
6. National Multiple Sclerosis Society Walk March 31, 2012 *02/13/2012

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 Connell. 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.

10. Jeanne Geiger Crisis Ctr 20th Annual Walk & 5k Run Sept. 30, 2012 *02/27/2012

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

Transfer #1
March 27, 2012

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

Transfer From:

Account Name	<u>Insurance Claims-RSV APP</u>	YTD Bal:	<u>\$ 38,799.00</u>
Account Number:	<u>2741-10400</u>	Trans In:	<u>\$ 23,000.00</u>
Amount:	<u>\$1,164.76</u>	Trans Out:	<u>\$ 23,000.00</u>
Why are Funds Available:	<u>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.</u>		

Transfer To:

Account Name	<u>Police - MIS /Communications</u>	YTD Bal:	<u>\$ 12,274.38</u>
Account Number:	<u>01210008-58501</u>	Trans In:	<u>\$ 13,500.00</u>
Amount:	<u>\$697.50</u>	Trans Out:	<u>\$ -</u>
Why are Funds Required:	<u>Funds are required to replace a computer in a police cruiser that was damaged in a recent accident.</u>		

Transfer To:

Account Name	<u>CityClerk - Administration</u>	YTD Bal:	<u>\$ 2,729.80</u>
Account Number:	<u>01161002-54200</u>	Trans In:	<u>\$ 2,000.00</u>
Amount:	<u>\$467.26</u>	Trans Out:	<u>\$ -</u>
Why are Funds Required:	<u>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.</u>		

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

Donna D. Holaday

William B. Squillace

Date: 3/20/12
 Date: 3/20/12



City of Newburyport FY 2012 BUDGET TRANSFER REQUEST

MAR 20 P 2 12

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

Transfer From:

Account Name: VALUATION/PROCESSING YTD Bal: \$ 4,795.00
Account Number: 01141002-53003 Trans In: \$ -
Amount: \$770.00 Trans Out: \$ -
Why are Funds Available: Funds are available in this account because ATB cases have been settled, while incurring minimal expenses.

Transfer To:

Account Name: OTHER SUPPLIES YTD Bal: \$ 188.94
Account Number: 01141004-55800 Trans In: \$ -
Amount: \$770.00 Trans Out: \$ -
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.

Transfer To:

Account Name: _____ YTD Bal: _____
Account Number: _____ Trans In: _____
Amount: _____ Trans Out: _____
Why are Funds Required: _____

Donna D. Holaday, Mayor

Donna D. Holaday

Date: 3/20/12

William B. Squillace, Auditor

William B. Squillace

Date: 3/20/12

City Council Approval: (Stamp)



City of Newburyport FY 2012 BUDGET TRANSFER REQUEST

3/20/2012 P 2

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	Trans In:	\$ -
Amount:	\$132,147.20	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	Trans In:	\$ -
Amount:	\$3,600.00	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	Trans In:	\$ 417,832.00
Amount:	\$116,047.20	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	Trans In:	\$ -
Amount:	\$12,500.00	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)

Donna D. Holaday
William B. Squillace

Date: 3/20/2012
Date: 3/20/2012

INTEROFFICE MEMORANDUM

TO: ANDREW FLANAGAN
FROM: MARK KAVANAGH
SUBJECT: IT UPGRADE
DATE: 3/20/2012



11:00 P M

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



455 Fortune Blvd. Milford, MA 01757

Quotation

NOTICE: Due to the recent flooding in Thailand, Hard Disk Drive (HDD) manufacturing has been severely impacted. This situation is beyond RetroFit's control, and as a result, pricing and availability of HDD items on this quote are subject to change without notice.

To Mark Kavanaugh

Tel 978-465-4472

Quote No 66420

Date 1/20/12

Co City Of Newburyport

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

Project _____

Qty	Mfg Part No.	OEM	Description	Unit Price	Ext Price
1	RGSNEWPR	RGS	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.	23047.20	23,047.20

INSTALLATION not included unless itemized above.

PRICES SUBJECT TO CHANGE AT ANY TIME.

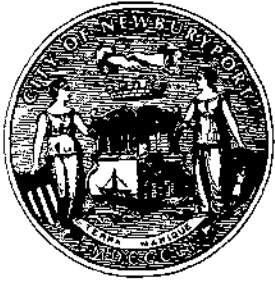
**QUOTE MAY INCLUDE PROMOTIONAL PRICING VALID THROUGH THE END OF THE CURRENT MONTH.
PRICES MAY CHANGE IF ORDER IS RECEIVED AFTER THE END OF THE CURRENT MONTH.**

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.



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. Box 550

NEWBURYPORT, MA 01950

(978) 465-4413 (978) 465-4402 (Fax)

MEMORANDUM

Donna D. Holaday

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.

March 8, 2012

PHASE I: 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 or 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, existing 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 Masterplan 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

11-10-2011

COMMUNICATIONS

APPLICATION FOR MOVABLE SIGNAGE ON PUBLIC PROPERTY

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

Application Fee \$50.00

Date: 3/12/12

2012 MAR 12 P 3:38

FOR CITY CLERK'S OFFICE ONLY

Date Recorded _____

Amount Paid _____

To the City Council of the City of Newburyport:

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

Name of applicant Eunice D. James

Street address of applicant ^(B) 31A Pleasant Street - ^(H) 187ifton St - north

City, State, Zip of applicant Newburyport, MA. 01950

Telephone of applicant ^(B) 978-463-9450 ^(H) 978-462-5712

Name of business Eunice D. James Fitness Studio

Address of business 31A Pleasant Street

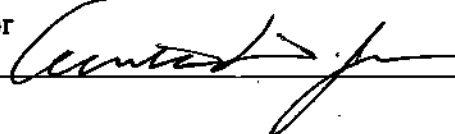
Telephone of business 463-9450

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

A frame sign place outside of entry
door at 31A Pleasant St, north

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 

Date 3/12/12

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).

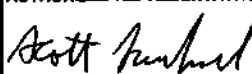
PRODUCER K&K Insurance Group, Inc. 1712 Magnavox Way Fort Wayne IN 46804		CONTACT NAME: Mass Merchandising	
		PHONE (A/C, No. Ext): 1-800-506-4856	FAX (A/C, No): 1-260-459-5590
		E-MAIL ADDRESS: info@fitnessinsurance-kk.com	
		PRODUCER CUSTOMER ID #: 10170256	
INSURED Eunice D. James DBA: Eunice D. James Fitness Studio 31A Pleasant Street, Suite #6 Newburyport, MA 01950 A Member of the Sports, Leisure & Entertainment RPG	CP# 375	INSURER(S) AFFORDING COVERAGE	NAIC #
		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 PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YY)	POLICY EXP (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC			6BRPG0000004959300	11/09/11 12:01 AM	11/09/12 12:01 AM	EACH OCCURRENCE	\$1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$300,000
							MED EXP (Any one person)	\$5,000
							PERSONAL & ADV INJURY	\$1,000,000
							GENERAL AGGREGATE	\$3,000,000
							PRODUCTS-COMP/OP AGG	\$1,000,000
							PROFESSIONAL LIABILITY	\$1,000,000
							LEGAL LIAB TO PARTICIPANTS	\$1,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS <input checked="" type="checkbox"/> Not provided while in Hawaii			6BRPG0000004959300	11/09/11 12:01 A.M.	11/09/12 12:01 A.M.	COMBINED SINGLE LIMIT (Ea Accident)	\$1,000,000
							BODILY INJURY (Per person)	
							BODILY INJURY (Per accident)	
							PROPERTY DAMAGE (Per accident)	
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DEDUCTIBLE <input type="checkbox"/> RETENTION						EACH OCCURRENCE	
							AGGREGATE	
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/ EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				WC STATUTORY LIMITS	OTHER
							E.L. EACH ACCIDENT	
							E.L. DISEASE - EA EMPLOYEE	
							E.L. DISEASE - POLICY LIMIT	
	MEDICAL PAYMENTS FOR PARTICIPANTS						PRIMARY MEDICAL	
							EXCESS MEDICAL	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 Facility #1: 31A Pleasant Street, Suite #6, Newburyport, MA 01950 Facility Square Footage: 800
 Various offsite 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	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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✓ Renewed

Communication #2
March 27, 2012

City of Newburyport

Application

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

Food Establishment Outdoor Seating on Public Property

Date: 3/13/12

Name of Business Owner: Bolwyn Corp

Name of Property Owner: Chris Horan

Business Name: Port Tavern

Business Address: 84 St

Number of Tables Requested: 6 Dimensions: 3x3 Material: Metal

Number of Chairs Requested: 18 Dimensions: 2x3 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.

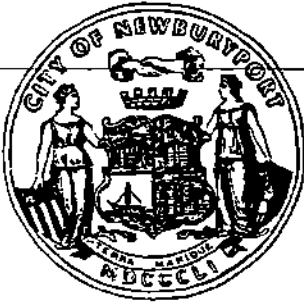
Application Requirements

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 1/2 x 11 sketch of outdoor seating detailing: a) measurements of tables and chairs
b) total width of sidewalk and c) distance between proposed seating and sidewalk



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) 8 ½ 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.

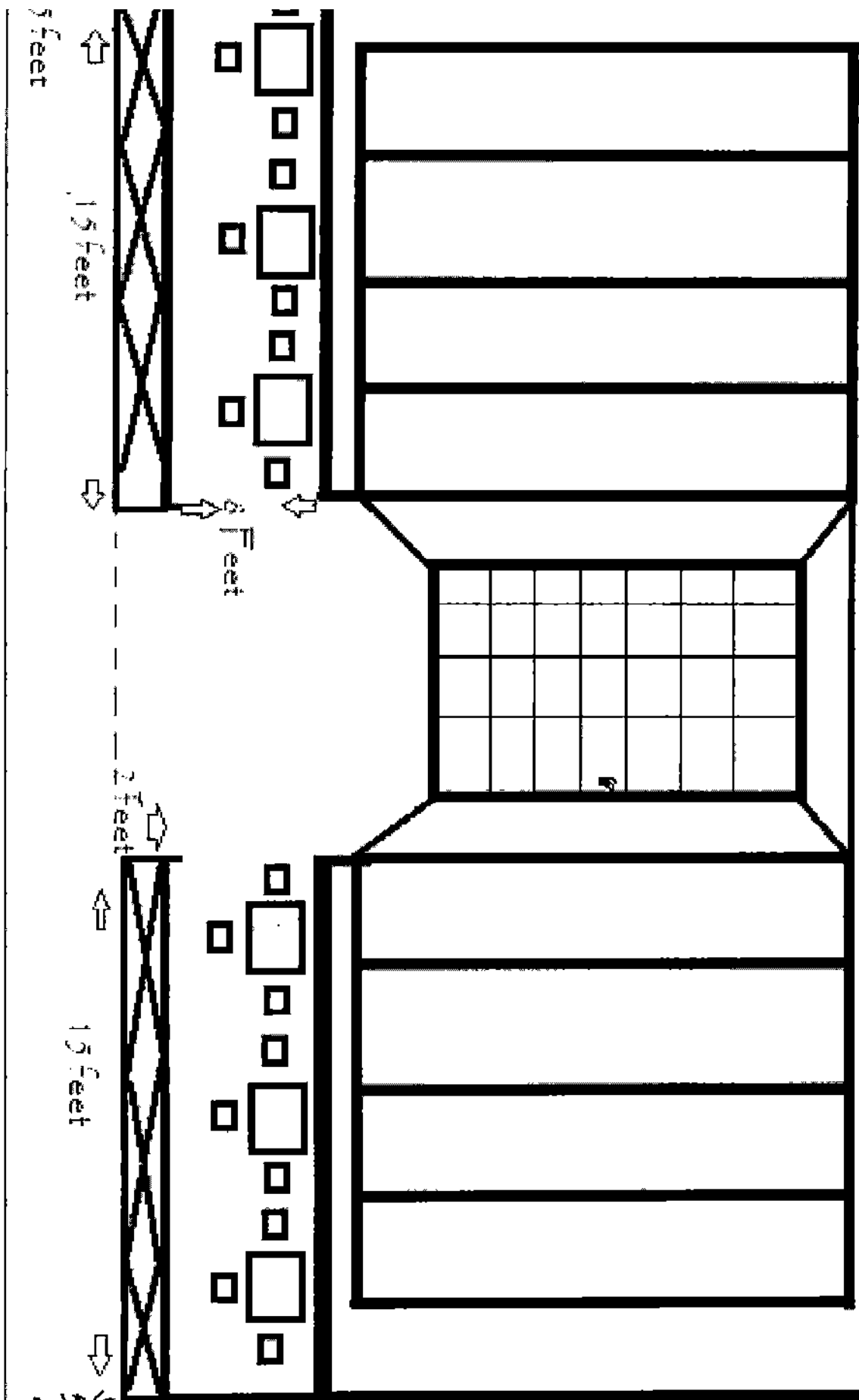
RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

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.

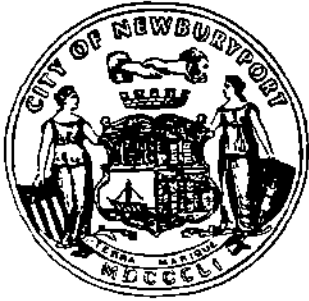


Signature of Business Owner

THE PORTTAVERN



Tables 2:
Chairs 36



City of Newburyport

Communication #3
March 27, 2012

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: KHNP management DBA Purple Onion

Business Address: 42-44 - 1m 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.

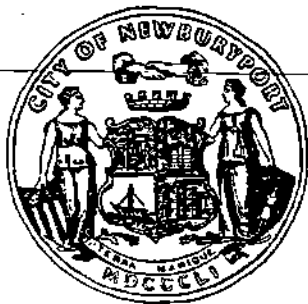
Application Requirements

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



Application

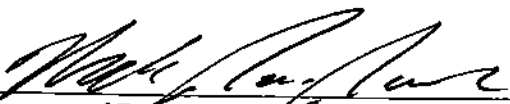
Food Establishment Outdoor Seating on Public Property
(continued)

- 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) 8 ½ 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.

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Signature of Business Owner



CERTIFICATE OF LIABILITY INSURANCE

OP ID: AC

DATE (MM/DD/YYYY)

02/27/12

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 590 47 State Street Newburyport, MA 01950 Michael J. Conlin	978-462-4434 978-465-6204	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS: PRODUCER CUSTOMER ID #: PURPL-3	FAX (A/C, No):
	INSURED Purple Onion KHNP Management LLC dba 44 Inn Street Newburyport, MA 01950		INSURER(S) AFFORDING COVERAGE INSURER A: Zurich INSURER B: First Cardinal Corporation INSURER C: INSURER D: INSURER E: INSURER F:

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

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Business Owners GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			TBA	02/27/12	02/27/13	EACH OCCURRENCE	\$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$ 250,000
							MED EXP (Any one person)	\$ 5,000
							PERSONAL & ADV INJURY	\$ 1,000,000
							GENERAL AGGREGATE	\$ 2,000,000
							PRODUCTS - COMP/OP AGG	\$ 2,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DEDUCTIBLE RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	TBA	03/01/12	03/01/13	<input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER	\$
							E.L. EACH ACCIDENT	\$ 100,000
							E.L. DISEASE - EA EMPLOYEE	\$ 100,000
							E.L. DISEASE - POLICY LIMIT	\$ 500,000
A	Property			TBA	02/27/12	02/27/13	BUILDING	45,000
							PROPERTY	35,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, 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 <i>James J. Howlett III</i>

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42-44 Inn Street
Newburyport, MA
01950

p 978-465-9600
f 978-462-0562

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):

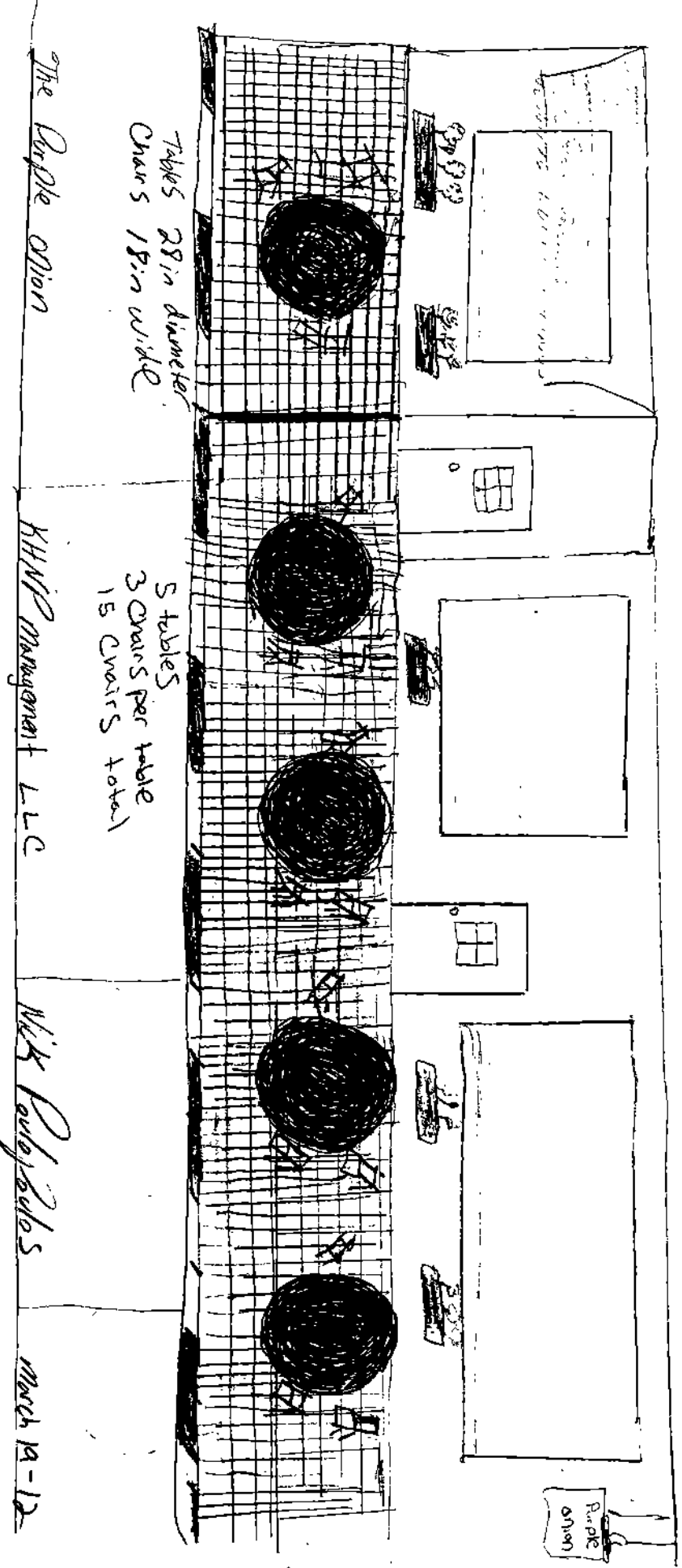
Tables: 5 at 28 inches in diameter each

Chairs: 3 per table at 18 inches wide

Thank you

Nick Pouloupoulos

✓
✓
✓
✓
✓
✓



Tables 28" in diameter
Chairs 18" in wide

5 tables
3 chairs per table
15 chairs total

The Purple Onion

KHNP Management LLC

Nick Roublyakov

March 19-12



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT

2012 MAR 19 AM 9:50

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**

* REAPPLICATION - ALL THE SAME AS 2011

Communication #5
March 27, 2012



City of Newburyport

Application

3/27/12 20 A 11:51

Food Establishment Outdoor Seating On Public Property

Date: 3/20/12

Name of Business Owner: MARK TRAMONTANA & JENNIFER TRAMONTANA

Phone Number: 978.499.3727 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: 30" ROUND Material: STEEL

Number of Chairs Requested: 12 Dimensions: 18" CAFFE CHAIR Material: STEEL

APPLICATION REQUIREMENTS

Please submit the following documents with the completed application to:

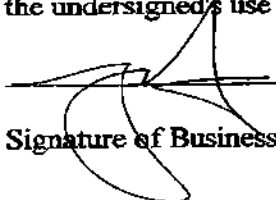
City Clerk's Office
Newburyport City Hall
PO Box 550
60 Pleasant Street
Newburyport, MA 01950

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 1/2 x 11 sketch of outdoor seating detailing: a) measurements of tables and chairs b) total width of sidewalk and c) distance between proposed seating and sidewalk 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

UPPER-2 OP ID: CA

DATE (MM/DD/YYYY)

03/20/12

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 590 47 State Street Newburyport, MA 01950 Marcos W. Shaner	978-462-4434 978-465-6204	CONTACT NAME: _____ PHONE (A/C, No, Ext): _____ E-MAIL ADDRESS: _____ FAX (A/C, No): _____													
	<table border="1"> <thead> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A: Harleysville Insurance</td> <td></td> </tr> <tr> <td>INSURER B: Commerce Insurance Company</td> <td></td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </tbody> </table>		INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Harleysville Insurance		INSURER B: Commerce Insurance Company		INSURER C:		INSURER D:		INSURER E:		INSURER F:
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A: Harleysville Insurance															
INSURER B: Commerce Insurance Company															
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															
INSURED Upper Crust Pizzeria/NBPT Mark Tramontana PO Box 1228 Newburyport, MA 01950															

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

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Business Owners	X		BOP00000029208K	03/21/12	03/21/13	EACH OCCURRENCE \$ 2,000,000
	GENL AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000
B	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			BCZNVH	09/12/11	09/12/12	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED: _____ RETENTION \$: _____						BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			N/A			WC STATUTORY LIMITS <input type="checkbox"/> OTHER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 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 NEWBU-2 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 <i>James J. Howlett III</i>
--	---

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NEW FILING _____
RENEW

City of Newburyport

Communication #6
March 27, 2012

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 48" Material: Iron

Number of Chairs Requested: 10 Dimensions: 24" x 48" Material: Iron

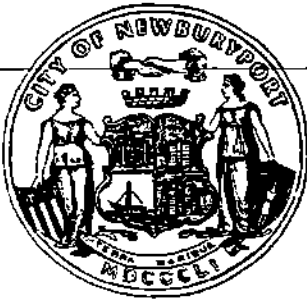
- Applicant requests approval of outdoor seating for the sole purpose of food consumption.
- Applicant requests approval of outdoor seating for food *and* alcohol consumption.

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 1/2 x 11 sketch of outdoor seating detailing: a) measurements of tables and chairs
b) total width of sidewalk and c) distance between proposed seating and sidewalk



Application

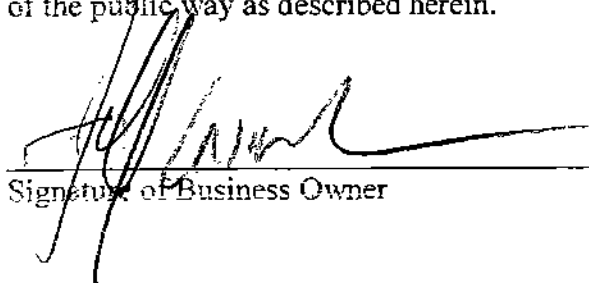
Food Establishment Outdoor Seating on Public Property
(continued)

- 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) 8 ½ 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

GRAMS

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C
K

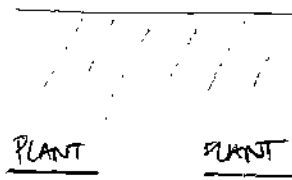
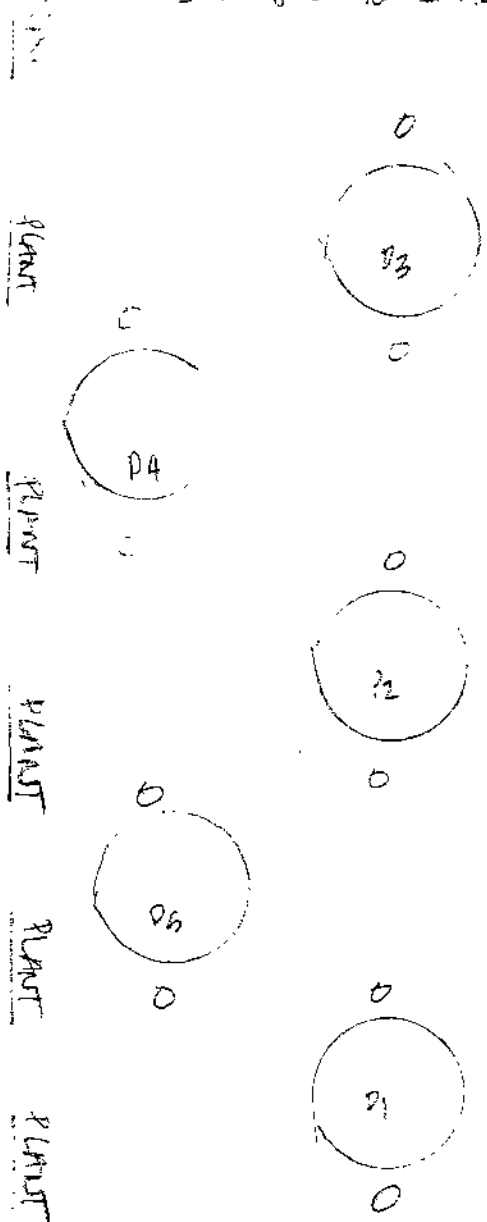
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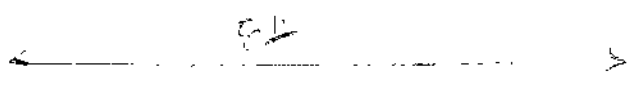
PLANT PLANT PLANT



Thread
Feedie
Rack

PLANT LAYOUT

START DIRECT





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

03/21/2012

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

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PRODUCER Chase & Lunt Insurance Agency 47 State Street Newburyport MA 01950	CONTACT NAME: Lynn M Usher, CIC, CISR c/o RCA /NE	
	PHONE (A/C, No, Ext): 413-732-5199	FAX (A/C, No): 413-739-7416
	E-MAIL ADDRESS: lynnu@rca-insurance.com	
	INSURER(S) AFFORDING COVERAGE	NAIC #
	INSURER A : State National Ins. Co. Inc.	
INSURED The Rockfish and Fish Monger Realty Trust 38 State Street Newburyport MA 01950	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

COVERAGES

CERTIFICATE NUMBER:

REVISION NUMBER:

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INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR	WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	Y		RCB100896-11	11/27/2011	11/27/2012	EACH OCCURRENCE \$ 1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000						
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC						MED EXP (Any one person) \$ 5,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						PERSONAL & ADV INJURY \$ 1,000,000
	UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						GENERAL AGGREGATE \$ 2,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						PRODUCTS - COMP/OP AGG \$ 1,000,000
A	Liquor Liability	Y		RCB100896-11	11/27/2011	11/27/2012	COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$ \$ EACH OCCURRENCE \$ AGGREGATE \$ \$ WC STATUTORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
							Each Occurrence: \$1,000,000 Aggregate: \$1,000,000

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

RESTAURANT

CERTIFICATE HOLDER IS NAMED AS ADDITIONAL INSURED

CERTIFICATE HOLDER

CANCELLATION

City of Newburyport PO Box 550 60 Pleasant Street Newburyport MA 01950	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE

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Patricia Barker

From: Tara McQuaid <tnmmcquaid@comcast.net>
Sent: Wednesday, March 21, 2012 3:36 PM
To: Richard Jones
Cc: Patricia Barker
Subject: Request for item to be put on City Council Agenda for Tuesday March 27,2012

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,

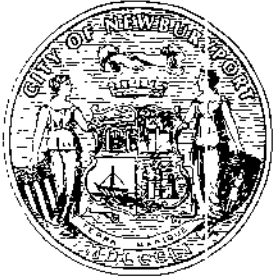
I am writing to request authorization to hold a PMC Kids Ride in Newburyport. The Pan Mass Challenge is the major fundraiser for Dana Farber Cancer Institute's Jimmy Fund. One hundred percent of rider-raised dollars are donated to The Jimmy Fund. The PMC Kids Rides have been happening in communities 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**



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

RECEIVED
CITY OF NEWBURYPORT
2012 MAR -7 P 2:54

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: March 7, 2012
Re: Appointment

A handwritten signature in black ink, appearing to read "Donna D. Holaday", is written over the "From:" and "Date:" lines of the header.

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

Jan. 2004- Current Wells Publishing www.wellspublishing.com San Diego, Calif.
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.

Sept. 1983 – Dec. 2003 M&S Communications Brookline, Mass.

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, *InsuranceTimes*, 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 *InsuranceTimes*.
- Sold *InsuranceTimes* to Wells Publishing in late 2003 and joined Wells in 2004.

June 1981-Sept. 1983 Independent Insurance Agents of Boston, Mass.
Massachusetts

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.

1979- 1981 **Insurance Information Institute** **Boston, Mass.**

Industry public relations.

1977-1979 **Standard Publishing Co.** **Boston, Mass.**

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

Sept. 1971-May 1972 Washington & Lee University Lexington, Va.

Transferred to Georgetown University beginning sophomore year.

Sept. 1967-June 1971 Melrose High School Melrose, Mass.

References

Business

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

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

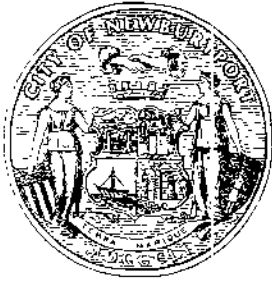
Personal

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.



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. BOX 550

NEWBURYPORT, MA 01950

978-465-4413 PHONE

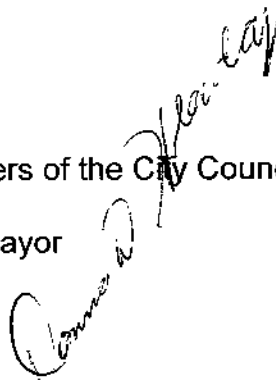
978-465-4402 FAX

To: President and Members of the City Council

From: 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 Manger. 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

Joslin Lesser + Associates. Senior Project Manager. April 2009 – June 2010.

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

Town of Wellesley, MA. Town Planner. November 1996 – July 1998

- 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



**CITY OF NEWBURYPORT
DEPARTMENT OF PUBLIC SERVICES**

16A PERRY WAY
NEWBURYPORT, MA 01950

**Communication #8
March 27, 2012**

ANTHONY J. FURNARI, DIRECTOR
ANDREW LAFFERTY, DEPUTY DIRECTOR

PHONE: 978-465-4463
FAX: 978-465-1623

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 jewwhite@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 60 th 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 |
| 7. Joseph Cutrone | 21 Elmira Avenue | Ass't Inspector of Wires | February 1, 2013 |
| 8. Elizabeth Valeriani | 29 Oak Street | Emma Andrews Branch Library Commission | March 1, 2013 |
| 9. Susan Chase | 44 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.

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

March 27, 2012

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:

Date:

March 27, 2012

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 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

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

March 27, 2012

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).