

CITY COUNCIL MEETING AGENDA - VERSION 1

February 13, 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

January 30, 2012

(Approve)

7. TRANSFERS

1. Auditor Ins. Claims RSV APP \$4,170 to Gen Admin-Muni Ins. \$4,170

(Approve)

2. Mayor Free Cash \$14,000 to Clerk Elects & Reg \$12,000 and Clerk Admin \$2,000

(Approve)

8. COMMUNICATIONS

1. Second Hand Motor Vehicles App. Renewal Great Bay Autobody

(Approve)

2. National Multiple Sclerosis Society Walk March 31, 2012

(PS)

3. HMS Bounty visit to City July 12-16, 2012 street use

(PS)

9. APPOINTMENTS – First Reading

Re-Appointments

1. Joseph C. Teixeira 44 Hale Street

Conservation Commission

March 1, 2015

2. Gary Robinson 12 Hill Street

Highland Cemetery Commission

Feb. 1, 2015

END OF CONSENT AGENDA

REGULAR AGENDA

10. APPOINTMENTS – Second Reading

Appointments

3. Tom Salemi 29 Oakland Street

Newburyport Redevelopment Authority

Jan. 14, 2017

11. ORDERS

1. Resolution Geen Community

2. Resolution Night Sky

3. Sewer Commission surplus land

12. ORDINANCES

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

2. Amend Ord..Zoning Lot Width Shape

3. Amend Ord. Sec. III-C Zoning Map Storey Avenue Re-Zoning

13. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Mayor/Police Gen Fd Free Cash \$17,640.90 to Police-Sal Officers \$13,890.90, to Police-

- Clothing Allowance \$3,750.00 *01/09/2012
- 2. Mayor Gen Fd Free Cash \$10,000 to NBPT Tree Committee Fund \$10,000 *01/09/2012
- 3. Mayor/School Gen Fd Free Cash \$25,000 to Sch. Rev Curric/Staff Devel. \$25,000 *01/09/2012

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
- 2. Taxi Cab Renewal Application Seacoast Taxi *01/30/2012

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 Zoning Sec. II Definitions *10/17/2011
- 3. Amend Ord Zoning Map B1 Zone Storey Ave *11/28/2011
- 4. Amend Ord. 6.5 Environment Article II Wetlands – Wetlands Protection *11/28/2011

Public Safety

In Committee:

- 1. Amend Ord. 10-9 Miscellaneous offenses – use or consumption of marijuana *11/28/2011
- 2. Amend Ord 13-180A Paid Parking Permits *01/09/2012
- 3. American Diabetes Assoc. May 20, 2012 North Shore Tour de Cure *01/30/2012
- 4. Inn Street Montessori Scholarship Auction use of Inn Street Mall March 31, 2012 *01/30/2012
- 5. Nbpt Elem. PTO 8th Annual Spring Fever 5K & Family Fun Run May 6, 2012 *01/30/2012
- 6. Nbpt Labor Day Festival request for 3 day downtown event Sept. 1-3, 2012 *01/30/2012
- 7. Winner's Circle Running Club annual High Street Mile August 5, 2012 *01/30/2012
- 8. Green Stride Half Marathon October 21, 2012 *01/30/2012
- 9. Greater Newburyport Chamber of Commerce schedule of festivals 2012 *01/30/2012
- 10. Amend Ord. 13-180 Parking Resident Harris St. *01/30/2012
- 11. Amend Ord. 13-180 Parking Resident Middle St. *01/30/2012

Public Utilities Committee

In Committee:

- 1. Street Lighting Recommendation *09/21/2011
- 2. Drain Layer/Utility Contractor Application for Dube Plus & Dirt Pro, LLC *11/14/2011

Rules Committee

In Committee:

14. GOOD OF THE ORDER

15. ADJOURNMENT

CONSENT AGENDA - BEGINNING

CITY COUNCIL MEETING MINUTES

January 30, 2012

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

1. PUBLIC COMMENT –

1. Mary Harbaugh	28 Strong St.	Storey Ave. Rezoning
2. Jack VanLoan	4 F Street	Seabrook Relicensing
3. Jerry Mullins	7 Parsons St.	Rezoning & Lot width ordinance
4. Bruce Skub	14 Olive St.	Seabrook Relicensing
5. Carolyn Johnson	46 Munroe	Seabrook Relicensing
6. Sam Barly	5 Eagle St.	Seabrook Relicensing
7. Elizabeth Marcus	10 Barton St.	Seabrook Relicensing
8. Ann Ormond	38 R Merrimac	Chamber of Commerce Festivals
9. Pete Falconi	6 Federal St.	Downtown events
10. Joanna Hammond	58 Pearl St. Amesbury	Seabrook Relicensing
11. Tom Salemi	29 Oakland St.	NRA
12. Ann Jaronecyk	6 Woodman Way	Storey Ave Rezoning
13. Diana Kerry	33 Temple St.	NRA
14. Lucian Parkin	Rogers Rd	
15. Deb Massa	4 Turkey Hill Rd.	Storey Ave. Rezoning
16. Walt Mott	4 Turkey Hill Rd.	Storey Ave. Rezoning & Seabrook
17. Yvonne McQuilkin	39 Purchase St.	Seabrook Relicensing

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.

2. APPROVAL OF MINUTES

January 9, 2012

(Approve)

3. TRANSFERS

1. Health Dept. Solid Waste Fee \$5,000 to Household Hazardous \$5000 (Approve)
2. Police Dept. Officer Salary \$4,228.60 to Retirement Acct \$4,228.60 (Approve)
3. Police Dept. General Fund- Free Cash \$44,109. to Equip. Maint. \$44,109. (Approve)

Removed by Councillor Herzog.

4. Mayor/Veterans Free Cash \$38,000 to Veteran's Benefits \$38,000 (Approve)

Removed by Councillor Herzog.

4. COMMUNICATIONS

1. American Diabetes Assoc. May 20, 2012 North Shore Tour de Cure (PS)

Removed by Councillor Earls.

2. Inn Street Montessori Scholarship Auction use of Inn Street Mall March 31, 2012 (PS)
3. Newburyport Elem. PTO 8th Annual Spring Fever 5K & Family Fun Run May 6, 2012 (PS)
4. Newburyport Labor Day Festival request for 3 day downtown event Sept. 1-3, 2012 (PS)
5. Second Hand Motor Vehicles App. Renewal City Auto Wholesale (Approve)

- | | |
|--|-----------|
| 6. Second Hand Motor Vehicles App. Renewal Chanard Limousine Sales, Inc. | (Approve) |
| 7. Second Hand Motor Vehicles App. Renewal Plum Autoworks, Inc. | (Approve) |
| 8. Taxi Cab Renewal Application Seacoast Taxi | (L&P) |
| 9. Winner's Circle Running Club annual High Street Mile August 5, 2012 | (PS) |
| 10. Green Stride Half Marathon October 21, 2012 | (PS) |
| 11. Greater Newburyport Chamber of Commerce schedule of festivals 2012 | (PS) |
| 12. Mid- Year Budget Report-Fiscal Year 2012 | (R&F) |

7. APPOINTMENTS – First Reading

Appointments

- | | | | |
|---------------|-------------------|-------------------------------------|---------------|
| 1. Tom Salemi | 29 Oakland Street | Newburyport Redevelopment Authority | Jan. 14, 2017 |
|---------------|-------------------|-------------------------------------|---------------|

END OF CONSENT AGENDA

Motion to approve the Consent Agenda as amended by Councillor Jones, seconded by Councillor Cameron. 10 yes, 1 absent (Heartquist), so voted.

REGULAR AGENDA

8. TRANSFERS

- | | |
|--|-----------|
| 3. Police Dept. General Fund- Free Cash \$44,109. to Equip. Maint. \$44,109. | (Approve) |
|--|-----------|

Motion to approve by Councillor Herzog, seconded by Councillor Cameron. 10 yes, 1 absent (Heartquist), so voted.

- | | |
|---|-----------|
| 4. Mayor/Veterans Free Cash \$38,000 to Veteran's Benefits \$38,000 | (Approve) |
|---|-----------|

Motion to approve by Councillor Jones, seconded by Councillor Cameron. 9 yes, 1 present (Herzog), 1 absent (Heartquist), so voted.

9. COMMUNICATIONS

13. Animal Control Share Services Agreement

Motion to approve by Councillor O'Connor Ives, seconded by Councillor Derrivan. 10 yes, 1 absent (Heartquist), so voted.

1. American Diabetes Assoc. May 20, 2012 North Shore Tour de Cure

Motion to refer to Public Safety by Councillor Earls, seconded by Councillor Derrivan. 10 yes, 1 absent (Heartquist), so voted.

11. APPOINTMENTS – Second Reading

Appointments

- | | | | |
|---------------------|------------------------------|---------------------------------------|---------------|
| 2. Donna Conway | 27 Marlboro St. | Andrews Library Community Ctr Com | Oct. 13, 2013 |
| 3. Kristian Zoeller | 115 Timber Swamp Rd, Hampton | Asst Harbormaster & Spec. Police Off. | Dec. 31, 2014 |

Motion to approve second reading by Councillor Jones, seconded by Councillor Cameron. 10 yes, 1 absent (Heartquist), so voted.

Re-Appointments

- | | | | |
|------------------------|------------------------------|---------------------------------------|---------------|
| 4. Daniel Raycroft | 11 Cushing St., Amesbury | Assessor | Jan. 1, 2015 |
| 5. Gary Calderwood | 3 Howard Street | Building Inspector | Jan. 15, 2015 |
| 6. Andrew R. Port | 12 Central Pl, Saugus | Director Planning & Development | Jan. 31, 2014 |
| 7. David Zinck | 6 Laurel Road | Electrical Inspector | Jan. 31, 2013 |
| 8. Enrico Caruso | 34 Russet Hill Rd, Haverhill | Asst Harbormaster & Spec. Police Off. | Dec. 31, 2014 |
| 9. Francis F. Chaisson | 300 Merrimac Street | Asst Harbormaster & Spec. Police Off. | Dec. 31, 2014 |

10. Joseph Grande	52 Linwood Ave., Methuen	Asst Harbormaster & Spec. Police Off.	Dec. 31, 2014
11. James Maranto	167 Harper Ridge Rd, E. Hampstead	Asst Harbormaster & Spec. Police Off	Dec. 31, 2014
12. Philip Stern	271 Merrimac Street	Asst Harbormaster & Spec. Police Off	Dec. 31, 2014
13. David Willey	13 Devonshire Crossing, Lowell	Asst harbormaster & Spec. Police Off	Dec. 31, 2014

Motion to approve second reading by Councillor Jones, seconded by Councillor Derrivan. 10 yes, 1 absent (Heartquist), so voted.

10. ORDERS

1. Resolution on Seabrook Station Relicensing

Motion to approve as amended by Councillor Connell, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Heartquist). So voted.

11. ORDINANCES

1. TABLED - Second Reading - Amend Ord.13-180 Parking Resident Fruit Street

Motion to remove from the table by Councillor Earls, seconded by Councillor Derrivan. 10 yes, 1 absent (Heartquist). Motion to approve by Councillor Earls, seconded by Councillor Jones. 10 no, 1 absent (Heartquist). Motion failed.

2. Amend Ord. 13-180 Parking Resident Harris St.

Motion to move to Public Safety by Councillor Earls, seconded by Councillor Derrivan. 10 yes, 1 absent (Heartquist). So voted.

3. Amend Ord. 13-180 Parking Resident Middle St.

Motion to move to Public Safety by Councillor Earls, seconded by Councillor Derrivan. 10 yes, 1 absent (Heartquist). So voted.

COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Mayor/Police Gen Fd Free Cash \$17,640.90 to Police-Salary Officers \$13,890.90, to Police-Clothing Allowance \$3,750.00 *01/09/2012
2. Mayor/Health Green Initiatives Rev Appr \$64,109 to Police-Equip Maint \$44,109, to Health-Sal. Energy/Recycle Coordin. \$20,000 *01/09/2012

Motion to remove Health-Sal Energy/Recycle Coordin portion only by Councillor Cameron, seconded by Councillor Herzog. Motion to approve as amended by Councillor Cameron, seconded by Councillor Derrivan. 10 yes, 1 absent (Heartquist). So voted.

3. Mayor Gen Fd Free Cash \$10,000 to NBPT Tree Committee Fund \$10,000 *01/09/2012
4. Police Dept. Salary Officers \$1,260 to Police-Capital Improvements MIS \$1,260 *01/09/2012

Motion to remove by Councillor Cameron, seconded by Councillor Derrivan. Motion to approve by Councillor Cameron, seconded by Councillor Jones. 10 yes, 1 absent (Heartquist). So voted.

5. Mayor/School Gen Fd Free Cash \$25,000 to Sch. Rev Curric/Staff Devel. \$25,000 *01/09/2012

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

Neighborhoods & City Services

In Committee:

1. Newburyport Tree Ordinance

*07/22/2010

Planning & Development

In Committee:

1. Newburyport Tree Ordinance

*07/22/2010

2. Zoning Ord – Sec II Definitions/Sec VI Dimensional Contr

*06/28/2010

Motion to remove by Councillor Connell, seconded by Councillor Derrivan. Motion to approve by Councillor Connell, seconded by Councillor Derrivan. Roll call vote, 9 yes, 1 no (Jones), 1 absent (Heartquist). So voted.

3. Amend Ord Zoning Sec. II Definitions/Sec VI Dimensional Contr

*10/17/2011

Motion to remove by Councillor Connell, seconded by Councillor Derrivan. Motion to approve by Councillor Connell, seconded by Councillor Derrivan. Roll call vote, 9 yes, 1 no (Jones), 1 absent (Heartquist). So voted.

4. Amend Ord Zoning Map B1 Zone Storey Ave

*11/28/2011

5. Amend Ord. 6.5 Environment Article II Wetlands – Wetlands Protection

*11/28/2011

Public Safety

In Committee:

1. Amend Ord. 10-9 Miscellaneous offenses – use or consumption of marijuana

*11/28/2011

2. Amend Ord 13-180A Paid Parking Permits

*01/09/2012

Public Utilities Committee

In Committee:

1. Street Lighting Recommendation

*09/21/2011

2. Drain Layer/Utility Contractor Application for Dube Plus & Dirt Pro, LLC

*11/14/2011

Rules Committee

In Committee:

15. GOOD OF THE ORDER

16. ADJOURNMENT

Motion to adjourn by Councillor Derrivan, seconded by Councillor Jones. 10 yes, 1 absent (Heartquist), so voted.

TRANSFERS



Transfer #1
February 13, 2012

City of Newburyport

FY 2012

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

Department: Auditor

2012 FEB -1 P 1:35

Submitted by: William Squillace, City Auditor

Date Submitted: 2/7/2012

Transfer From:

Account Name	Insurance Claims-RSV APP	YTD Bal:	\$	14,584.91
Account Number:	2741-10400	Trans In:	\$	-
Amount:	\$4,170.00	Trans Out:	\$	5,000.00
Why are Funds Available:	Revenue account used to deposit funds received from insurance companies for covered insurance losses and deductible payments.			

Transfer To:

Account Name	Gen Admin - Municipal Insurance	YTD Bal:	\$	14,589.91
Account Number:	01129007-57401	Trans In:	\$	-
Amount:	\$4,170.00	Trans Out:	\$	-
Why are Funds Required:	Funds are required to pay for deductibles and repair and/or replacement costs for damage to a City tree, damage to a police vehicle, and damage to the Building Commissioner's vehicle while on City business.			

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

Donna D. Holaday
William B. Squillace

Date: 2/7/2012

Date: 2/7/2012



Transfer #2
February 13, 2012

City of Newburyport

FY 2012

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2012 FEB -7 P 3:40

Department: Mayor /City Clerk

Submitted by: Richard B. Jones

Date Submitted: 2/7/2012

Transfer From:

Account Name	Free Cash	YTD Bal:	\$ 1,347,388.00
Account Number:	01-35900	Trans In:	\$ -
Amount:	\$14,000.00	Trans Out:	\$ 443,700.00
Why are Funds Available:	<i>Funds are available for any purpose with the approval of the Mayor and a majority vote of the City Council.</i>		

Transfer To:

Account Name	Elections & Registration	YTD Bal:	\$ 3,574.00
Account Number:	01163007-57808	Trans In:	\$ 9,000.00
Amount:	\$12,000.00	Trans Out:	\$ -
Why are Funds Required:	<i>To pay for costs associated with the presidential primary and annual census and miscellaneous expenses.</i>		

Transfer To:

Account Name	Administration	YTD Bal:	\$ 454.72
Account Number:	01161002-54200	Trans In:	\$ -
Amount:	\$2,000.00	Trans Out:	\$ -
Why are Funds Required:	<i>Costs for supplies and expenses and legal ads from Clerk's office.</i>		

Transfer To:

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

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

Donna D. Holaday
William B. Squillace

Date: 2/7/2012
Date: 2/7/2012

COMMUNICATIONS

THE COMMONWEALTH OF MASSACHUSETTS

City OF Newburyport

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE

OR ASSEMBLE SECOND HAND MOTOR VEHICLES

OR PARTS THEREOF

RECEIVED
TAXES OFFICE
FEB - 3 P 12:00

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a Used Car Dealer class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with Class II the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? Stephen K. Jayne - Great Bay Autoberky-Maine

Business address of concern. No. 2 Melvin Court St.,
Newburyport City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? _____

Limited Liability Partnership (LLP)

3. If an individual, state full name and residential address.

Stephen K. Jayne, 2 Melvin Ct. Newburyport, MA 01950

Cynthia L. Jayne, 2 Melvin Ct. Newburyport MA 01950

4. If a co-partnership, state full names and residential addresses of the persons composing it.

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President _____

Secretary _____

Treasurer _____

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? No

If so, is your principal business the sale of new motor vehicles? _____

Is your principal business the buying and selling of second hand motor vehicles? No

Is your principal business that of a motor vehicle junk dealer? No

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

Purchase and sell motor vehicles on line. No vehicles will be
on premises at anytime.

8. Are you a recognized agent of a motor vehicle manufacturer? No

(Yes or No)

If so, state name of manufacturer _____

9. Have you a signed contract as required by Section 58, Class 1? No

(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES

(Yes or No)

If so, in what city -- town Newburyport

Did you receive a license? YES

(Yes or No)

For what year? 2009-2011
and previous years

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof
ever been suspended or revoked? No

(Yes or No)

Sign your name in full _____

[Signature]
(Duly authorized to represent the concern herein mentioned)

Residence 2 Melvin Ct. Newburyport MA

IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH
FULL INFORMATION, AND FALSE STATEMENTS
HEREIN MAY RESULT IN THE REJECTION OF
YOUR APPLICATION OR THE SUBSEQUENT
REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)

Western Surety Company

SECOND HAND MOTOR VEHICLE DEALER BOND

(Mass. Gen. Laws Ann. 140, § 58(c))

Bond No. 70447087

KNOW ALL PERSONS BY THESE PRESENTS:

Effective Date: January 22, 2008

That we, Stephen K. Jayne,
as Principal, and WESTERN SURETY COMPANY, a corporation authorized to do surety business in the Commonwealth of Massachusetts, as Surety, are held and firmly bound unto persons who purchase a vehicle from the Principal and who suffer loss on account of a breach of the condition of this bond described below, in the sum of not to exceed TWENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$25,000.00), for the payment of which well and truly to be made, we bind ourselves and our legal representatives, firmly by these presents.

WHEREAS, the Principal is a second hand motor vehicle dealer and is required to furnish a bond or equivalent proof of financial responsibility pursuant to Mass. Gen. Laws Ann. 140, § 58(c)(1).

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall pay the amount of actual damages, not to exceed the amount of this bond, to any person who purchases a vehicle from the Principal and who suffers loss on account of: (a) the Principal's default or nonpayment of valid bank drafts, including checks drawn by the Principal for the purchase of motor vehicles; (b) the Principal's failure to deliver, in conjunction with the sale of a motor vehicle, a valid motor vehicle title certificate free and clear of any prior owner's interests and all liens, except a lien created by or expressly assumed in writing by the buyer of the vehicle; (c) the fact that the motor vehicle purchased from the Principal was a stolen vehicle; (d) the Principal's failure to disclose the vehicle's actual mileage at the time of sale; (e) the Principal's unfair and deceptive acts or practices, misrepresentations, failure to disclose material facts or failure to honor a warranty claim or arbitration order in a retail transaction; or (f) the Principal's failure to pay off a lien on a vehicle traded in as part of a transaction to purchase a vehicle when the Principal had assumed the obligation to pay off the lien, then this obligation to be void; otherwise to remain in full force and effect.

PROVIDED, that recovery against this bond may be made only by a person who obtains a final judgment in a court of competent jurisdiction against the Principal for an act or omission on which this bond is conditioned, if the act or omission occurred during the term of this bond. No suit may be maintained to enforce any liability on this bond unless brought within one (1) year after the event giving rise to the cause of action. This bond shall cover only those acts and omissions described above. The Surety shall not be liable for total claims in excess of the bond amount, regardless of the number of claims made against this bond or the number of years this bond remains in force.

This bond shall be continuous and may be cancelled by the Surety by giving thirty (30) days' written notice of cancellation to the municipal licensing authority at City of Newburyport, City Hall, 60 Pleasant St., Newburyport, MA 01950.

by First Class U.S. Mail.

Address

Dated this 23rd day of January, 2008.



Stephen K. Jayne, Principal

By: _____

WESTERN SURETY COMPANY, Surety

By: Paul T. Bruflat

Paul T. Bruflat, Senior Vice President

2017 JUN 30 A 10:34 2017 JUN 30 A 10:37

1361 Elm Street Suite 106 Manchester NH 03101 tel -1 800 493 9255 fax -1 603 623 4205 www.3MNewEngland.org



February 7, 2012

Mr. Richard B. Jones
City Clerk
City of Newburyport
60 Pleasant Street
Newburyport, MA 01950

Dear Clerk Jones:

Chase and Lunt Insurance, in conjunction with the Mayor's Office and the Greater Newburyport Chamber of Commerce & Industry, kindly requests the use of the streets in the downtown for the upcoming visit of the HMS Bounty from July 12-16, 2012. Approximate times for this event are from 7:00 AM to 7:00 PM each day.

HMS Bounty...at one with the sea...global voyager...movie star...dedicated to preserving the fine art of square-rigged sailing.

The HMS Bounty is one of the most famous ships in the world. Known for the storied mutiny that took place in Tahiti in 1789 on board the British transport vessel, the current Bounty, a replica, has survived to tell the tale. Built for the 1962 movie "Mutiny on the Bounty" with Marlon Brando, HMS Bounty sails the country offering dockside tours in which one can learn about the history and details of sailing vessels from a lost and romanticized time in maritime history. Since her debut in "Mutiny on the Bounty", HMS Bounty has appeared in many documentaries and featured films such as its appearance as the Edinburgh Trader in *Pirates of the Caribbean Dead Mans Chest*, starring Johnny Depp.

The visit of the HMS Bounty is an exciting opportunity for the city of Newburyport. The ship will be open for public tours from Friday, July 13 - Sunday, July 15, 2012. Several other special family-friendly events are in the planning stages and will be shared with the City Council once they are official.

Areas Requested:

- Use of the Inn Street Mall, Market Square (bullnose), and sidewalks on areas in front of Waterfront Park and the Firehouse Center for the Arts.

Thank you for your consideration.

Sincerely,

Jay Howlett
President, Chase and Lunt Insurance

cc: Mayor Donna Holaday
Members of the Newburyport City Council
Councilor Robert Cronin, Chair, Public Safety Committee
Ann Ormond, Greater Newburyport Chamber of Commerce



**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 CLERK'S OFFICE
NEWBURYPORT, MA

2012 FEB -7 A 11:10

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: February 7, 2012

Subject: Re-Appointment

A handwritten signature in dark ink, appearing to read "Donna D. Holaday", enclosed within a circular scribble.

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

Joseph C. Teixeira
44 Hale Street
Newburyport, MA 01950



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
MAYOR'S OFFICE
NEWBURYPORT, MA

2012 FEB -7 AM 10

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: February 7, 2012

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Highland Cemetery Commission. This term will expire on February 1, 2015.

Gary Robinson
12 Hill Street
Newburyport, MA 01950

END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

APPOINTMENTS – 2nd Reading

**MAYOR'S APPOINTMENTS
February 13, 2012
SECOND READING**

Second Reading

Appointments

3. Tom Salemi 29 Oakland Street Newburyport Redevelopment Authority Jan. 14, 2017

In City Council January 30, 2012

Motion to approve the Consent Agenda as amended by Councillor Jones, seconded by Councillor Cameron. 10 yes, 1 absent (Heartquist), so voted.

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

February 13, 2012

RESOLUTION

WHEREAS the City of Newburyport was recognized as a Green Community by the Commonwealth of Massachusetts in December 2010; and

WHEREAS one of the goals of the Green Communities Act is for communities to reduce municipal energy usage by 20 percent by 2016; and

WHEREAS the Newburyport Energy Advisory Committee approved a resolution on January 26, 2012 encouraging all residents, institutions, commercial businesses, and industrial operations to seek and implement energy reduction programs;

THEREFORE BE IT RESOLVED that the Newburyport City Council also encourages all property owners and business entities to seek and implement energy reduction programs in areas such as waste reduction, energy conservation, recycling, and alternative energy initiatives, in keeping with the goals of a green community.

Councillor Ari B. Herzog

Councillor Barry N. Connell

Councillor Edward C. Cameron

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

February 13, 2012

RESOLUTION

WHEREAS Section XI-I of the Zoning Ordinance of the City of Newburyport states:

“Lighting for commercial or business properties shall be located and shielded to direct lighting toward the commercial or business property and away from surrounding properties. Glare from any lighting to adjacent or surrounding residential areas shall not be allowed.” and

WHEREAS page 15 of the Master Plan of 2001 regarding preservation of the City of Newburyport's historic character states:

“With respect to the public realm—streets, sidewalks, lighting, utilities, trees—*design standards* could be developed to guide municipal departments in design, construction and maintenance.” and

WHEREAS Newburyport should set an example of good environmental design and practices; and

WHEREAS light pollution has a detrimental affect on plants and wildlife, including the causation of insects to be more visible to predators, birds to neglect their internal circadian clock that is aligned with the daily light-dark cycle, and mammals such as raccoons and deer needing the dark for mating and sleeping, and

WHEREAS approximately \$2.2 billion is spent nationally to light the night sky through unshielded lights, collectively producing over 14.7 million tons of carbon dioxide waste, and

WHEREAS the citizens and visitors of Newburyport appreciate the night sky through activities such as stargazing;

THEREFORE BE IT RESOLVED that the Newburyport City Council encourages property owners and business entities to reduce light pollution and glare through the shielding or redirecting of lights to better protect wildlife and to enable the people to maintain unobstructed eyesight, when possible, to the night sky.

Councillor Ari B. Herzog

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

February 13, 2012

The Newburyport City Council hereby determines under General Laws Chapter 40, Sections 15 and 15A that certain portions of the City-owned land located at 115 Water Street and described in an Order of Taking filed with the Essex South Registry District of the Land Court as Document No. 503345, noted on Certificate of Title No. 53748, which portions are approximately shown on the sketch plan entitled "115 Water Street" and on file with the City Clerk's Office, currently held by it for sewer purposes, are no longer needed by the City for such purposes or for other public purposes, and transfers the care, custody, and control of said to the Mayor for purposes of conveyance, and, further authorizes the Mayor to convey the same on such terms and conditions, and for such consideration, as the Mayor deems appropriate.

Councillor Ari Herzog



CITY OF NEWBURYPORT

OFFICE OF THE SEWER COMMISSIONERS

NEWBURYPORT CITY HALL
60 PLEASANT STREET
NEWBURYPORT, MA 01950

TEL: 978-465-4414

FAX: 978-465-1623

WWW.CITYOFNEWBURYPORT.COM

VOTE OF THE SEWER COMMISSIONERS

At a regularly convened meeting of the Board of Sewer Commissioners of the City of Newburyport held the 25th day of January, 2012, it was voted that:

The Newburyport Sewer Commissioners hereby determine under General Laws Chapter 40, Sections 15 and 15A that certain portions of the City-owned land located at 115 Water Street and described in an Order of Taking filed with the Essex South Registry District of the Land Court as Document No. 503345, noted on Certificate of Title No. 53748, which portions are approximately shown on the sketch plans entitled "115 Water Street" and on file with the City Clerk's Office, currently held by the Commissioners for sewer purposes, are no longer needed by the City for such purposes or for other public purposes and that said portions may be transferred by the City Council to the Mayor for purposes of conveyance on such terms and conditions, and for such consideration, as the City Council deems appropriate.

And further that we authorize our Chairman to forthwith give notice of this determination to the City Council.


David P. Hanlon, Sewer Commission Chairman

Commissioner Terrien moved to approve, seconded by Commissioner Cook. Vote was approved unanimously.

Approve:  2-2-12
Donna D. Holaday, Mayor Date

Attest: _____
Richard B. Jones, City Clerk

Michael P. Hartford

From: Shirin Everett <SEverett@k-plaw.com>
Sent: Friday, December 23, 2011 3:28 PM
To: Michael P. Hartford
Cc: Joyce Frank; Jeanne McKnight
Subject: NBPT: 115 Water Street - Votes
Attachments: 9fnc01!.DOC

Pieter:

I was able to get this done before I left. Attached is the vote to be taken by a majority of the Sewer Commissioners to declare the 3 parcels of land as surplus property. Also attached is the City Council vote, which must pass by a 2/3rds vote. The City Council vote declares the parcels surplus, transfers the parcels to the Mayor for the purpose of conveyance, and authorizes the Mayor to dispose of the parcels on such terms and conditions as the Mayor deems appropriate.

I assume that we will not have the survey plan ready for a while. The votes therefore refer to sketch plans you sent me and state that the parcels are "approximately shown" on those plans. I recommend you mark the parcels on each of the plans as "Surplus Land", write "115 Water Street" on the plans as a caption, and file them with the City Clerk. The approximate dimensions of the "Surplus Land" parcels may be included in the sketch plans if the final dimensions, as shown on the survey plan, are unlikely to change materially. I recommend adding after each dimension the sign " \pm " (for example, "20 feet \pm ").

I recommend the Assessor make a written determination of the value of each parcel (the City does not have to retain an independent appraiser). As you know, if any of the 3 parcels has a value in excess of \$25,000, the City must issue a request for proposals for that parcel (we can prepare the RFP). If the value of each parcel is less than \$25,000, the City may sell the parcels to the 3 abutters who have expressed an interest.

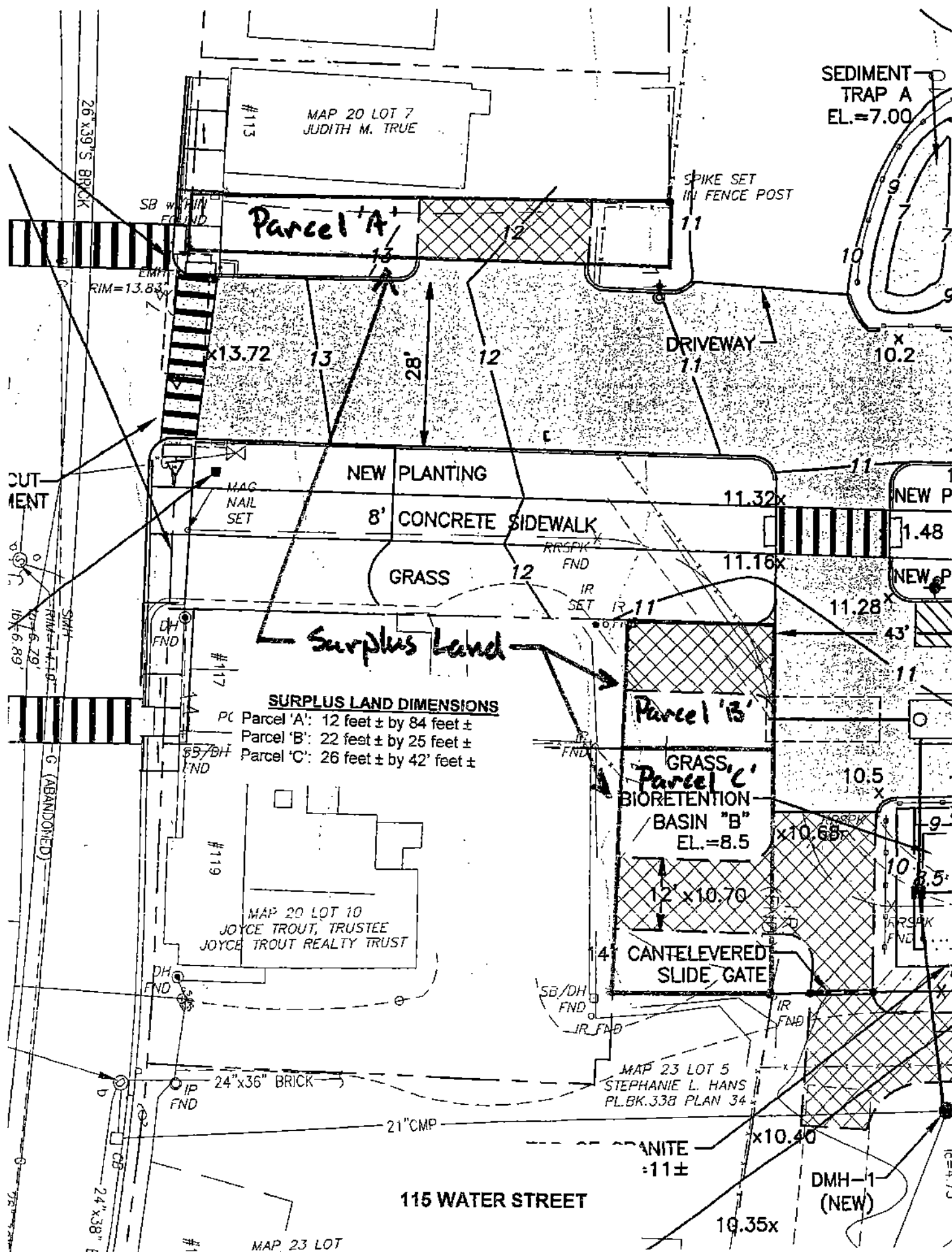
As noted in the memorandum you sent, we need a survey plan approved by the Plan Department at the Registry of Deeds to dispose of the 3 parcels. I recommend obtaining the Plan Department's approval prior to scheduling a closing.

Once the City has reached agreement on the price with the buyers, we will enter into a brief Purchase and Sale Agreement with each buyer. We will prepare deeds for the Mayor's signature. In addition to paying the purchase price, the purchasers are required under G.L. c. 44, §63A to pay real estate taxes on the parcel for the rest of FY 2012 and for the entire FY 2013 (this is because the Assessors won't be able to issue tax bills in the names of the buyers until FY 14). The amount of the taxes is calculated by multiplying the purchase price by the tax rate.

If the purchase price of any parcel exceeds \$500, the City is required under G.L. c. 44, §63 to use the proceeds from the sale of the parcel to pay down the indebtedness incurred by the City in acquiring the property. If no such indebtedness is outstanding, the City may use the funds for the other purposes set forth more particularly in G.L. c. 44, §63 (these other purpose must be related to the water enterprise if water enterprise funds were used to pay damages for the taking).

Please contact me or Jeanne if you have any questions.

Shirin



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



CITY OF NEWBURYPORT
OFFICE OF PLANNING AND DEVELOPMENT
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4400 • (978) 465-4452 (FAX)

MEMORANDUM

TO: Honorable members of the City Council

FROM: Andrew Port, Director of Planning & Development

CC: Donna D. Holaday, Mayor
Planning & Development Committee

RE: Proposed Zoning Amendments – Storey Avenue Rezoning & Definitions/Lot Shape

DATE: February 7th, 2012

As you know, the Planning Board and Planning & Development Committee of the City Council held a joint Public Hearing on the above two proposed Zoning Amendments. As a length of time has passed since the original submission of these two Zoning Ordinance amendments and final action by the Council, there may be some desire to hold a new joint public hearing before final action by the Council. As such, we are resubmitting the above two amendments for your consideration, with the request that (if necessary) you again forward these two amendments to the Planning Board and Planning & Development Committee for a joint public hearing and recommendation.

The Planning Board and Office of Planning & Development have previously supported and recommended both zoning changes unanimously. During the Public Hearings would be more than happy to restate the various benefits of each proposed amendment. If the Council determines that no further joint meetings are necessary, we ask for your expeditious approval of both amendments.

Thank you in advance for your consideration of the above Zoning Amendments. Please do not hesitate to contact me if you have any questions regarding this, or any other, planning initiatives.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

February 13, 2012

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED ZONING ORDINANCE

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

THAT the Zoning Ordinance be amended pursuant to Section XII-B "Adoption and Amendment" as follows:

Section II: Definitions

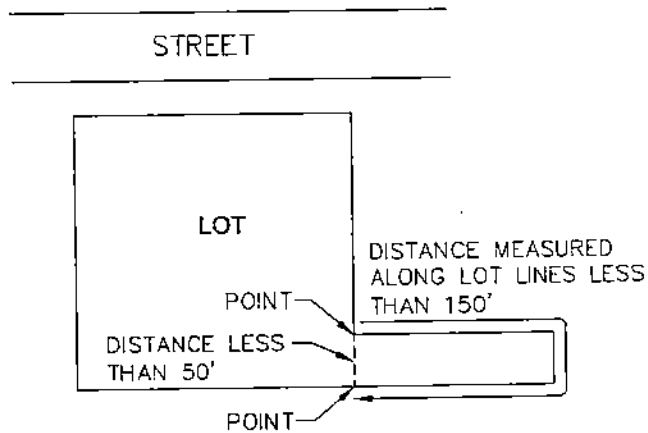
Delete the text (definitions) of the following numbered terms, in their entirety, and replace said terms and definitions with the following (including illustrative diagrams):

19. Frontage. The uninterrupted length of the front lot line(s), as defined herein, whether straight or not, and is on:

- A. A public way or a way which the City Clerk certifies is maintained and used as a public way; or
- B. A way shown on a previously approved subdivision plan; or
- C. A way that predates subdivision control that has, in the Planning Board's opinion, sufficient width, suitable grades, and adequate construction to provide for vehicular traffic, including emergency and snow removal vehicles, and the installation of utilities.

22. Lot area. An area of land which is determined by the limits of the lot lines of land under one (1) ownership bounding that area and expressed in terms of square feet or acres. When the distance between any two (2) points of lot lines is less than fifty (50) feet, measured in a straight line, the smaller portion of the lot which is bounded by such line and lot lines shall not be considered in computing minimum lot area unless the distance along such lot lines between such two points is less than one hundred and fifty (150) feet.

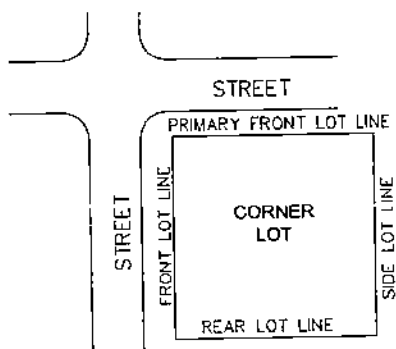
Lot Area Diagram: The area between the two points called out in the adjacent diagram would count toward lot area since the distance along the lot lines is less than 150 feet.



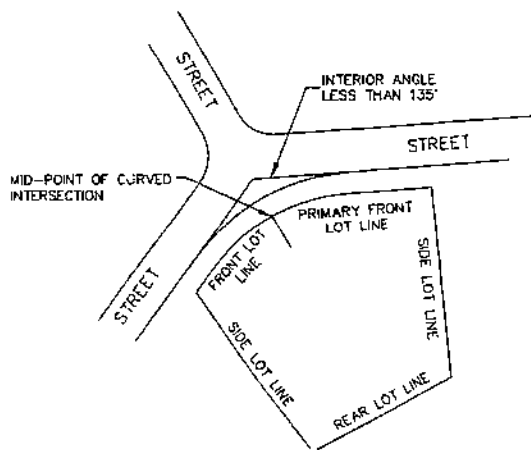
23. Lot, corner. A lot at the point of intersection of and abutting on two or more intersecting streets, the interior angle of intersection of the street lot lines, or extended lot lines in case of a curved street being not more than 135°. For purposes of this chapter, the yard adjacent to each street shall be considered a front yard; however, this will not affect designation of the front lot line.

Corner Lot Diagrams:

A corner lot has two front lot lines. The front lot line of greater length shall be known as the primary front lot line. When a corner lot has front lot lines of equal length, the owner shall designate a single front lot line as the primary front lot line, on the applicable plan and/or application. This shall be known as the primary front lot line.



Where the interior angle of intersecting street is less than 135 degrees, the lot shall be considered a corner lot.



25. Lot line, front. The property line dividing a lot from the adjacent a single street right-of-way. In the case of a corner lot the front lot line of greater length shall be known as the primary front lot line. When a corner lot has front lot lines of equal length, the owner shall designate a single front lot line as the primary front lot line, on the applicable plan and/or application.

26. Lot line, rear. The property line most nearly opposite and furthest from the front lot line or primary front lot line in the case of corner lots.

27. Lot line, side. Any property line not a front or rear lot line.

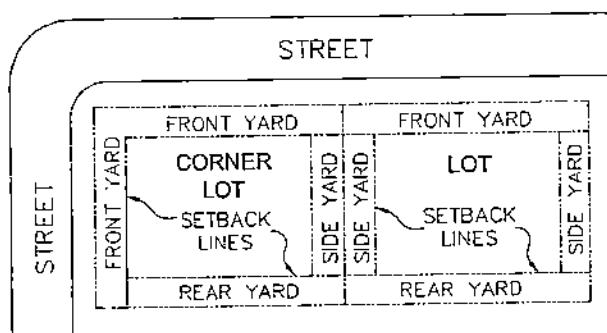
28. Lot, nonconforming. A lot lawfully existing at the effective date of this ordinance, or any subsequent amendment thereto, which is not in accordance with all provisions of this ordinance.

50. Yard, front. The portion of a lot lying between the front line and the front setback line.

51. Yard, rear. The portion of a lot lying between the rear line and the rear setback line.

52. Yard, side. The portion of a lot lying between a side line and the corresponding side setback line and extending from the front yard to the rear yard. In the case of a lot of odd shape, any yard that is not a front yard or a rear yard shall be considered a side yard.

Yard Diagram: Setbacks are measured from all lot lines. Yards exist between lot lines and setback lines. Corner lots have two front setbacks.



Section VI: Dimensional Controls

Under VI-A "General regulations." delete the first paragraph in its entirety and replace said paragraph with the following:

Any structure hereafter altered, constructed, erected, placed, or converted for any use in any district shall be located on a lot only in conformance with the minimum requirements listed on the dimensional controls table and regulations in section VI-B unless specifically allowed by the special permit granting authority under a variance procedure or, in the case of nonconforming uses, structures or lots, in accordance with the provisions of G.L. c.40A, §6 and Section IX of the Ordinance.

Under VI-B "Lot areas." Add the following new subsections:

C. In addition to the minimum lot area and frontage requirements, lots shall be laid out in such a manner so that a square, with sides equal to eighty percent (80%) of the minimum frontage requirement for the zoning district in which it is located, can be placed within the lot with at least one point of the square lying on the front lot line with no portion of the square extending beyond the boundaries of the lot.

Councillor Barry N. Connell

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:

Zoning Ordinance Amendment:

Section III-C: Zoning Map

THAT the Zoning Map of said Zoning Ordinance entitled "Zoning Map of the City of Newburyport" be amended pursuant to Section III-D "Changes to Zoning Map" such that the B1 Zone on Storey Avenue be enlarged to include the following two (2) parcels in their entirety:

Parcel 1:	Assessors Map ID:	109-4
	Address:	81 Storey Avenue
	ESRD Book/Page:	07006/0664
	Owner:	Gerald E. Swofford
	Current Zoning District:	R-2
	Proposed Zoning District:	B-1

Parcel 2:	Assessors Map ID:	109-5
	Address:	83 Storey Avenue
	ESRD Book/Page:	15942/0475
	Owner:	Gerald E. Swofford
	Current Zoning District:	R-2
	Proposed Zoning District:	B-1

Councillor Barry N. Connell
Councillor Brian P. Derrivan

COMMITTEE ITEMS



City of Newburyport

FY 2012

BUDGET TRANSFER REQUEST

Transfer #2
January 9, 2012

Department: Mayor/Police

Submitted by: Mayor Holaday

Date Submitted: 1/3/2012

Transfer From:

Account Name	<u>General Fund - Free Cash</u>	YTD Bal:	<u>\$1,332,388.00</u>
Account Number:	<u>01-35900</u>	Trans In:	<u>\$0.00</u>
Amount:	<u>\$17,640.90</u>	Trans Out:	<u>\$458,790.00</u>
Why are Funds Available:	<u>The Mass Dept of Revenue has certified Free Cash for FY2012. These funds are available for any legal purpose with the recommendation of the Mayor and a majority vote of the City Council.</u>		

Transfer To:

Account Name	<u>Police - Salary of Officers</u>	YTD Bal:	<u>\$937,483.80</u>
Account Number:	<u>01210001-51142</u>	Trans In:	<u>\$0.00</u>
Amount:	<u>\$13,890.90</u>	Trans Out:	<u>\$10,090.93</u>
Why are Funds Required:	<u>Transfer is required to fund the police unions contract. The new contract included a 2% salary increase for reaching department accreditation status.</u>		
Service Unit:			

Transfer To:

Account Name	<u>Police - Clothing Allowance</u>	YTD Bal:	<u>2,000.00</u>
Account Number:	<u>01210001-51405</u>	Trans In:	<u>2,750.00</u>
Amount:	<u>\$3,750.00</u>	Trans Out:	
Why are Funds Required:	<u>Transfer is required to fund the new police unions contract which included an annual increase in the clothing allowance of \$250 per officer.</u>		

Transfer To:

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

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

Date: 1/4/12
Date: 1/4/12



City of Newburyport

FY 2012

BUDGET TRANSFER REQUEST

Department: Mayor
Submitted by: Mayor Holaday **Date Submitted:** 1/3/2012

Transfer From:

Account Name	General Fund - Free Cash	YTD Bal:	\$ 1,332,388.00
Account Number:	01-35900	Trans In:	\$ -
Amount:	\$10,000.00	Trans Out:	\$ 458,700.00
Why are Funds Available:	<i>The Mass Dept of Revenue has certified Free Cash for FY 2012. These funds are available for any legal purpose with the recommendation of the Mayor and a majority vote of the City Council.</i>		

Transfer To:

Account Name	NBPT Tree Committee Fund	YTD Bal:	\$ -
Account Number:	2929- 49700	Trans In:	\$ -
Amount:	\$10,000.00	Trans Out:	\$ -
Why are Funds Required:	<i>The mission of the Newburyport Tree Committee is to monitor the condition of City trees and to carry out activities related to new tree plantings and tree maintenance. This appropriation will ensure that scheduled spring plantings and tree maintenance will be successfully carried out.</i>		

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	\$ -
Amount:		Trans Out:	\$ -
Why are Funds Required:			

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

Donna D. Holaday Date: 1/3/12
William B. Squillace Date: 1/5/12
CC
BC
SW



City of Newburyport

FY 2012

BUDGET TRANSFER REQUEST

Transfer #6
January 9, 2012

Department: Mayor/School Dept
Submitted by: Mayor Holaday

Date Submitted: 1/3/2012

Transfer From:

Account Name	General Fund - Free Cash	YTD Bal:	\$1,332,338.00
Account Number:	01-35900	Trans In:	\$0.00
Amount:	\$25,000.00	Trans Out:	\$458,700.00
Why are Funds Available:	The Mass Dept of Revenue has certified Free Cash for FY2012. These funds are available for any legal purpose with the recommendation of the Mayor and a majority vote of the City Council.		

Transfer To:

Account Name	School - Rev Curriculum/Staff Developer	YTD Bal:	\$141,610.60
Account Number:	2466-49700	Trans In:	\$0.00
Amount:	\$25,000.00	Trans Out:	\$0.00
Why are Funds Required:	To continue to fund the Place Based Education Program for the remainder of the school year.		

Transfer To:

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

Transfer To:

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

Handwritten notes: CC/ES, 1/4/12, 50

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

Signature of Donna D. Holaday
Signature of William B. Squillace

Date: 1/4/12
Date: 1/4/12

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

January 12, 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 IV	Specific Street Schedules
Division 6	Stopping, Standing and Parking
Sec. 13-180A	Paid Parking Permits

Delete the following phrase:

(c) (1) 'for an annual parking permit'

Insert the following phrase:

(c) (1) 'for a two year parking permit'

Councillor Robert J. Cronin

NOTED
GE
RC

American Diabetes Association Tour de Cure 2012

COMMUNICATION #1
JANUARY 30, 2012

Our mission
diabetes &
all people

2012 North Shore Tour Volunteer Committee

Marty Miserandino
Event Chair

Kevin Colan
Road Rider Chair

Tom Egan
Team Red Captain

Jamie Mair
Strategic Partnerships Chair

Nancy Lamb
Day of Event Logistics Chair

Janet Winer
Volunteer Chair

Emily Perk
Festival Chair

Al Mollette
Route Logistics Co-Chair

Steve Dumas
Route Logistics Co-Chair

Terry Cowman
Brain Power Chair

Tony Neilson
Fast Stop Chair

Larry Munoz
SAG Chair

Nancy Gaudet
Registration Chair

Rebecca Borden
Pingree School Representative

November 17, 2011

Richard B. Jones
City Clerk
City Clerk's Office
50 Pleasant Street
P.O. Box 550
Newburyport, MA 01950

Dear Mr. Jones:

On Sunday, May 20, 2012, the American Diabetes Association is hosting the North Shore Tour de Cure - our annual one-day, non-competitive cycling event that begins and ends at the Pingree School in South Hamilton, Mass. Funds raised from this event support the Association's mission: to prevent and cure diabetes and to improve the lives of all people affected by diabetes. I am writing to you today because we are in the process of organizing our 2012 routes, and our current plan will take our cyclists through Newburyport that day.

Tour de Cure is a fully-supported ride, not a race. All participants are required to sign waivers, wear helmets and follow the rules of the road. In addition they are all briefed multiple times leading up to, and the morning of the event on bicycle safety and Tour de Cure safety protocol. All routes will be clearly marked and we will have HAM radio operators, medical volunteers, and support vehicles to provide additional safety for our riders.

The ride has four routes (15mi, 31mi, 62mi and 100mi) and will begin at 7:00 a.m. and all riders must be off the route by 3:00 p.m. Our routes will be clearly marked and we will have route marshals dispersed along the ride to provide additional direction to cyclists. The routes have staggered starts so although we expect up to 1,000 total riders, the number of riders will be split fairly evenly amongst the different routes. We also have volunteers perform a thorough sweep of the entire route as the event closes down to retrieve all supplies and clean up any waste.

We are expecting to complete the routes by the end of December at which point I will be in touch with the proposed route maps, or to inform you that the routes changed and we will not be passing through your jurisdiction that day. If Newburyport will require additional information or if a formal application for permission is needed, please contact me at (617) 482-4580, x3454 or by email at iflynn@diabetes.org so I may begin the process as soon as possible.

Your support of Tour de Cure and the American Diabetes Association is greatly appreciated and we are looking forward to working with you this year.

Best,

Laure Flynn

Laure Flynn
Manager, Special Events
American Diabetes Association
10 Speen Street, 2nd Floor
Framingham, MA 01701
(617) 482-4580, x3454
iflynn@diabetes.org

*PS/CC
update
MAY*

copy Amy

Amy Bagley
Manager, North Shore Tour de Cure
American Diabetes Association
10 Speen Street, 2nd Floor
Framingham, MA 01701
(617) 482-4580, x3487
ibagley@diabetes.org

New England Office
10 Speen Street, 2nd Floor
Framingham, MA 01701
Phone: 617-482-4580
Fax: 508-826-4260

Diabetes Information
1.800.DIABETES
(1.800.342.2383)
www.diabetes.org

American Diabetes Association. TourdeCure2012

Our mission is to prevent and cure
diabetes and improve the lives of
all people affected by diabetes.
RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2012 North Shore Tour Volunteer Committee

Marty Miserandino
Event Chair

Kevin Dolan
Red Rider Chair

Tom Egan
Team Red Captain

Jamie Mair
Strategic Partnerships Chair

Nancy Lamb
Day of Event Logistics Chair

Janet Winer
Volunteer Chair

Emily Ferk
Festival Chair

Al Mallette
Route Logistics Co-Chair

Steve Dumas
Route Logistics Co-Chair

Terry Cowman
Gran Fondo Chair

Tory Reiersen
Rest Stop Chair

Manny Munoz
SAG Chair

Nancy Goudet
Registration Chair

Rebecca Borden
Pingree School Representative

January 26, 2012

Richard Jones
City Clerk
60 Pleasant Street
P.O. Box 550
Newburyport, MA 1950

Dear Mr. Richard Jones:

I am writing to you today to make you aware of our presence in your community on Sunday, May 20, 2012 for the American Diabetes Association's North Shore Tour de Cure - our annual one-day, non-competitive cycling event that begins and ends at the Pingree School in South Hamilton, Mass. Funds raised from this event support the Association's mission: to prevent and cure diabetes and to improve the lives of all people affected by diabetes.

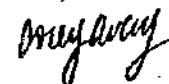
Tour de Cure is a fully-supported ride, not a race. All participants are required to sign waivers, wear helmets and follow the rules of the road. In addition they are all briefed multiple times leading up to, and the morning of the event on bicycle safety and Tour de Cure safety protocol. All routes will be clearly marked and we will have HAM radio operators, medical volunteers, and support vehicles to provide additional safety for our riders.

The ride has four routes (15mi, 31mi, 62mi and 100mi) and will begin at 7:00 a.m. and all riders must be off the route by 3:00 p.m. Our routes will be clearly marked and we will also have route marshals dispersed along the ride to provide additional direction to cyclists. The routes have staggered starts so although we expect up to 1,000 total riders, they number of riders will be split up fairly evenly amongst the different routes. We will also have our volunteers perform a thorough sweep of the entire route as the event closes down to retrieve all supplies and clean up any waste. The following route(s) will be passing through Newburyport that day: **62, and 100 Mile**. Cyclists will enter Newburyport at approximately 9:00 a.m. and exit Newburyport around 11:30 a.m.

Our headquarters and will have all riders' medical/emergency contact information as well as the local emergency contact numbers for each jurisdiction. I have enclosed our proposed route maps as well as trip-tiks for each route. I will also be in touch in May before the event with any changes that have been made to the routes, a copy of our Certificate of Insurance listing Newburyport as co-insured, and copies of our safety protocols. I can be reached during the day by phone at (617) 482-4580, x3461 or by email at cavery@diabetes.org. If there are any special permits and/or applications that are needed for our event that day please let me know ASAP!

Your support of Tour de Cure and the American Diabetes Association is greatly appreciated and we are looking forward to working with you this year.

Best,



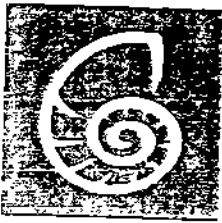
Corey Avery
Associate Manager, Fundraising & Special Events
American Diabetes Association
10 Speen Street, 2nd Floor
Framingham, MA 01701
P: (617) 482-4580, x3461
F: (508) 626-4620
cavery@diabetes.org

New England Office
10 Speen Street, 2nd Floor
Framingham, MA 01701
Phone: 617.482.4580
Fax: 508-626-4260

Diabetes Information
1.800.DIABETES
(1.800.342.2383)
www.diabetes.org

2012 FEB -1 P 1:17

ps



INN STREET
MONTESSORI SCHOOL

Inn Street Montessori School
52 Inn Street, Newburyport, MA 01950
ph. 978.463.0761 • www.innstreet.org

January 10, 2012

Mr. Rich Jones
City Clerks Office
City Of Newburyport
60 Pleasant Street
Newburyport, MA 01950

Dear Mr. Jones:

I have been advised by Lt. Murray at the Newburyport Police Department to contact you to discuss the possibility of parking a Delorian on Inn Street for an afternoon in late March. Lt. Murray said it would be okay as far as the Police Department is concerned, but we should go through *all* the proper channels.

Our school, the Inn Street Montessori School, is holding its annual Scholarship Auction event on March 31st at the Phoenix Room (right above Inn Street). Our theme this year is BACK TO THE FUTURE'S "ENCHANTMENT UNDER THE SEA DANCE". The event is to be held in the evening. 100% of the night's proceeds go toward our scholarship fund to enable local children get an affordable private education.

We have been lucky enough to procure a DELORIAN for the afternoon/evening and are wondering if we can park it on Inn Street. I'm thinking in the clearing near the fountain? It will have ropes and lighting around it and we are planning on fundraising by taking pictures for a small donation. The hours would be mid-late afternoon to around 7:00 pm. The school will not be running, nor do we have a Flux Capacitor, so there will be no time travel available at our school. I really hope you are laughing right now!

In a nutshell:

WHAT: Parking a Delorian on Inn Street

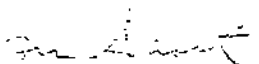
WHEN: MARCH 31st (weather permitting)

TIME: 2:00pm - 7:00pm

WHY: Fundraise for Inn Street Montessori School's scholarship fund

WHO: Inn Street MA 978-463-0761 or www.innstreet.org

Thank you so much for your consideration. Please contact me if you are able to assist us in this endeavor. I am sure we will be able to make this event a success.

Sincerely,

Alex Schuler
Chairman of the Board

January 18, 2012

Newburyport City Council
60 Pleasant Street
Newburyport, MA 01950

Dear Newburyport City Council Members:

The Newburyport Elementary PTO's (Brown, Bresnahan and Molin) are requesting your permission to host the 8th Annual Spring Fever 5K road race and Family Fun Run on May 6, 2012. Last year the proceeds generated from this popular event were over \$20,000. Over the past few years, this has become the most substantial fundraiser for the elementary school system and we hope to continue this successful event in 2012.

Attached is the course route which has been certified by a USATF state certifier, and was also approved by the Newburyport City Council last year. For your consideration, additional event details are outlined below:

SPRING FEVER 5K AND FAMILY FUN RUN:

Proposed Date:

Sunday, May 6, 2012, 12pm for Fun Run, 1pm for 5K

Estimated Participants:

200 Fun Run Participants
400 5K participants
60+ volunteers

Race Registration:

Bresnahan School Cafeteria and Parking Lot

Refreshments:

Stored and served in Bresnahan cafeteria, as well as outside under tents.
Refreshments may include water, pizza, baked goods, etc.

Fun Run Race Route:

1/3 mile and 1 mile courses will be run in the Bresnahan field behind the school.

5K Race Route (see attached map):

The calibrated course is a loop that starts at the crosswalk on High Street in front of Fowles Market. The race then bears right onto Moseley Ave, right onto Moulton Street, right onto Merrimac Street, right on Kent Street, right on High Street, and finally turns left into the Bresnahan School driveway for the finish.

Traffic Control:

As in the previous years, we will seek support from the Police Department to supply cruisers to lead and follow the race. We will also request emergency management personnel or volunteers to assist with the crosswalks and main intersections. We will cone off crosswalks, drain grates and other potential course hazards. We will also have volunteers on each course turn to help direct the runners.

Insurance:

The Spring Fun Run is a USA Track and Field Sanctioned event. Organizers will require all participants and volunteers to sign a valid waiver of liability that releases the race organizers, volunteers and officials, and the USATF from claims for damages. All waivers will be kept in a secured location for at least 5yrs. The appropriate safety precautions will be taken to protect the personal welfare of athletes and spectators (police escort, start/finish, cones, medical area and emergency management services).

Sponsorship and Fundraising

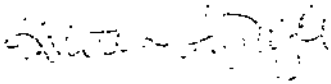
As in previous years, the PTO will be seeking sponsorships and donations from local businesses and others working in our community. In the past, local banks, eating establishments, and others have generously supported the event. Some have provided cash donations and others have donated food, materials or services. We hope to achieve an even greater level of support in 2012.

The Newburyport Spring Fever 5K and Family Fun Run has become an event that draws runners and visitors from all over the region. As a certified race with published times, it is one that both serious and recreational runners look forward to competing in every spring.

The Newburyport PTO respectfully requests your support and approval for this exciting and highly beneficial fundraising event.

Please let me know if you have any questions or concerns.

Sincerely,



Kristen Daigle
PTO Volunteer

Newburyport Labor Day Festival
PO Box 1534
Newburyport, Ma 01950
Kathy Heywood 978-463-3746

City of Newburyport
60 Pleasant St.
Newburyport, Ma 01950

January 18, 2012

Greetings,

I would like to ask the city of Newburyport to grant the Newburyport Labor Day Festival permission to hold a 3 day event in downtown Newburyport which would include Market Square, Inn Street, the Waterfront Park and boardwalk areas. The event would be during the day on September 1, 2 & 3, 2012 from 7:00am until 6:00pm. The event will include food vendors primarily on the bullnose in Market Square, crafters on Inn Street, and charity tables in Market Square. We do not anticipate the need for a stage, last year we organized entertainers to use the brick pavement which worked out just fine.

I am also requesting additional barrels from the Newburyport DPW to be dispersed in the downtown area and additional extra large trash bags, brooms, shovels for maintenance. I can coordinate that with the DPW director. The inmates from the Middle Jail come each day for cleanup detail which we will solicit again.

Events will include free entertainment, musical and street performers. It is all family friendly. Entertainers requiring a sound system will stay within reasonable decibel levels. These entertainers will be scheduled on the bullnose, the Inn Street courtyard. We intend to invite local charities to participate in order to promote what they do. Anyone selling food will of course be required to follow all city and state regulations, submitting documents in a timely manner.

FOOD:

This year I would like to request food vendor space on the central part of the boardwalk. This would be limited to no more than 6 food vendors following licensing as all other vendors. If we are able to have temporary food vendors in this area only during the festival I will be able to schedule free entertainment, charities and crafters to coincide within the festival. This opens up more opportunities for all.

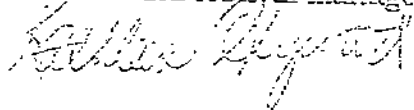
I would also request use of the 2 parking spaces on the lower west side of State Street in front of the Bank of America building. Crafters and all vendors will not be allowed in the streets so there is no need for blocking off any traffic or access to streets.

We are an all volunteer organization, helping charities to promote what they do so well, "to help others." This festival has been in existence for the past 3 years. We would like to continue for the year 2012. Please feel free to contact me at the above address or telephone number.

All participants will be required to show proof of insurance or sign a waiver releasing the City of Newburyport and the Newburyport Labor Day Festival from any and all liabilities. We will not require any additional police details. We will keep the city informed as we progress with any plans.

Sincerely,

Kathleen Heywood
Founder and festival manager





WINNER'S CIRCLE RUNNING CLUB
High Street Mile Race Committee

January 23rd, 2012

Public Safety Committee
Newburyport City Council
City Hall
Pleasant Street
Newburyport, MA 01950

Attention: Brian Derrivan, Chairman

Dear Mr. Derrivan,

The Winner's Circle Running Club will be hosting the 22nd annual High Street Mile on Sunday August 5th, 2012. The race will be an official Yankee Homecoming event and will take place prior to the parade. We will be working with the Yankee Homecoming Committee to work out the details. We hereby request permission to hold our race again this year.

We will be following the same format as in the past. Many people commented last year that they thought this was a very exciting event to watch while waiting for the parade to start. We will be providing our own volunteers again this year, to handle all the details surrounding the race day activities. In past years the Civil Defense has been busy with the parade, and the Newburyport Police have assisted us with traffic control. We will contact the Police Department early in the summer and work with either the Police or the Civil Defense, whichever they suggest.

At this point we anticipate that the first heat will begin around 10:00 A.M. although this may vary depending on the number of runners. The profit from this event will be donated to Newburyport High School track and cross-country teams, less a contribution to the Yankee Homecoming Committee. We do not anticipate any problems, as the race should be about the same size as in prior years. If you have any questions, please give me a call at 978.270.6854 or email me @ Chris.Kealey@ThermoFisher.com and we can work out the details. If the City Clerk could advise when this request is acted on, it would be appreciated.

Sincerely,

Chris Kealey
Race Director
3 Payson Street
Newburyport, MA 01950-1914
Chris.Kealey@ThermoFisher.com
978-270-6854

January 23, 2012

Dear City Council,

Thank you for taking the time to review my request for approving the roads and date for the 2012 Green Stride Half Marathon. We would like to first request the date of October 21st, 2012 as race day. The 2011 race had much success and we look forward to making this an annual event.

The roads in Newburyport being requested for the Green Stride race on October 21st, 2012 are as follows:

- Water Street from Federal Street continuing onto Merrimac Street.
- Merrimac Street to Spofford Street.
- Spofford Street to Ferry Road.
- Ferry Road to Pine Hill Road
- Pine Hill Road to Curzon Mill Road
- Curzon Mill Road to Hoyts Lane
- Hoyts Lane to Story Ave.
- Story Ave to Turkey Hill Road
- Turkey Hill Road, right onto Plummer Spring Road
(3 miles into West Newbury currently being approved)
- Turkey Hill Road from West Newbury onto Hale Street
- Hale Street to Toppans Lane
- Toppans Lane to High Street.
- High Street from Toppans Lane to Federal Street
- Federal Street to Water Street

As of now, the course has not changed much. The only exception being the final leg where the runners ran on the end of the Rail Trail along the river for the finish. We are requesting that this portion be removed and replaced with a finish along the main road. Even though it was a really nice finish, we found that there was some trouble with walkers trying to walk along the path as well as runners trying to run through the Cashman parking lot with some obstructions. The finish line also gave some problems with spectators trying to watch as people finished. There was not much room for them as the area was tight.

Another request the Green Stride asks for is to use the Newburyport Waterfront as its hosting location. This year the race is expected to have larger numbers, and we feel that both the runners and the city would benefit from moving to this location. Having all the runners congregate to the downtown setting would help local businesses thrive on this day. Also, by moving the start line to Water and State St, the race would essentially move through downtown and the Route 1 intersection quickly, thus helping with traffic. The finish line would be south of downtown, into the parking lot behind the Black Dog Store. Post race festivities would take place in this location. Please see the attached map for the area the event would like to take place.

As far as parking, Green Stride plans to put an aggressive plan in place that will map out available lots throughout Newburyport. We will then hire numerous buses to continuously do pick-ups and drop-offs throughout the day. This should help alleviate heavy traffic into downtown.

Also, as we are uncertain at the moment what costs and fees are associated with using the downtown location to host, however, if they are minimal, Green Stride would be happy to make a considerable donation (\$2,000-\$4,000 depending on turnout) to a charity of choice requested by the Newburyport City Council.

I appreciate you taking the time to review the Green Stride's 2012 plans and feel free to contact me anytime with questions or concerns.

Sincerely,
Eli Bailin
(978) 270-2026



January 18, 2012

Mr. Richard B. Jones
City Clerk
City of Newburyport
60 Pleasant Street
Newburyport, MA 01550

Dear Clerk Jones:

The Greater Newburyport Chamber of Commerce & Industry kindly requests the use of the streets in the downtown for the following Chamber of Commerce sponsored festivals:

- Newburyport Spring Fest, Sunday and Monday, May 27 & 28, 2012
- Fall Harvest Festival, Sunday and Monday, October 7 & 8, 2012
- Riverfront Music Festival, Saturday, July 7, 2012
- "Cruisin' the 50s" – a new event co-sponsored by the Chamber and WNEP – Thursday, August 16, 2012

Approximate times for each festival/event are from 7:00 AM to 7:00 PM each day.

The revenues generated from these Chamber fund raising events are used for marketing the city, beautification of the downtown, strengthening economic development and various other projects in the interest of the community. All funds are raised through our sponsorships, artisans and vendor festival entry fees.

1. The decoration of the lampposts throughout the downtown with flower baskets begins in mid-May in preparation for Memorial Day weekend. Included in this effort are the holiday decorations that adorn our streets in November and throughout the holiday season. The cost for the flower baskets and upkeep assumed by the Chamber and its marketing program is over \$16,000.
2. Newburyport Spring Fest is on Memorial Day Weekend, May 27 & 28. There is a spring festival planning committee made up of chamber board members, members (both retail and non) as well as staff. For the City Council request in 2008, there were improvements to the food vendors booths in 2009 and 2010 "dressing up" the back of booths for a more uniform and tidy look as visitors approach Market Square.

3. Fall Harvest Festival is a mainstay of the fall season and a welcomed event. The festival committee will once again be working on this event. The festival is planned for Columbus Day Weekend, October 7 & 8.
4. The Riverfront Music Festival is coordinated in conjunction with WXRV, The River (\$2.5) and is a premier event that attracts thousands of residents and visitors for a free waterfront park concert. The event is scheduled for Saturday, July 7th.
5. A new event is being proposed entitled "Cruisin' the 50s" - this event co-sponsored by the Chamber and WNBP would turn downtown Newburyport back to the days of 1950s when "doo wop" and classic cars were the rage. We are proposing an event which would run from 5 - 8 PM featuring "doo wop" music in Market Square, classic cars along State and Pleasant Streets, roaming acapella musicians and prices at retailers and restaurants rolled back to the 50s!

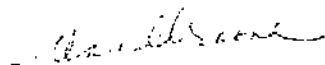
We look forward to working with the retailers, restaurants and service providers while being mindful of the residents and hope that these fairs will be welcomed events for residents and visitors alike. Given the economic climate we are all faced with, it is vital that we bring as many people to Newburyport as possible.

Areas Requested:

- Use of the Inn Street Mall, Market Square (bullnose), and sidewalks on areas in front of Waterfront Park and the Firchouse Center for the Arts.
- Use of the parking spaces and sidewalk on one side of State Street from Market Square to Pleasant Street. And also both sides of Pleasant Street.
- And for the Cruisin' the 50s event, State and Pleasant Streets closed to create two pedestrian areas.

Thank you for your consideration.

Sincerely,



Ann Ormond
President

cc: Mayor Donna Holaday
Members of the Newburyport City Council
Councilor Robert Cronin, Chair, Public Safety Committee

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

January 30, 2012

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

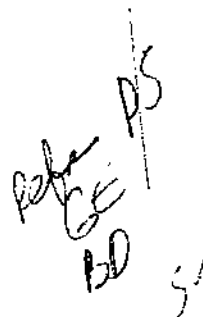
Be it ordained by the City Council of the City of Newburyport as follows:

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

Add:

(g) (2) by adding the following streets or portions thereof to Zone 2

Middle Street between Fair Street and Federal Street


Councillor Gregory D. Earls

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

November 14, 2011

THAT the City Council of the City of Newburyport approves the following Drain Layer/Utility Contractor application for the 2011 construction year:

Dube Plus & Dirt Pro LLC
10 Bricketts Mill Road, Suite C
Hampstead, NH 03841

Paperwork on file in the City Clerk's office.

Kathleen O'Connor Ives
Public Utilities Chairperson

*DU
K1/11/11
JH*