

# CITY COUNCIL MEETING AGENDA - VERSION 1

February 23, 2015

7:30 PM

(Sound Check)

1. MOMENT OF SILENCE
2. PLEDGE OF ALLEGIANCE
3. CALL TO ORDER
4. LATE FILE ITEMS
5. MAYOR'S STATE OF THE CITY
6. CITATION – SUSAN BELUK, MD
7. HEARTSAFE
8. 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.

### **9. APPROVAL OF MINUTES**

February 12, 2015

(Approve)

### **10. TRANSFERS - NONE**

### **11. COMMUNICATIONS**

1. Letter from Yankee Homecoming 2015 General Chair
2. Letter from Chamber of Commerce on 2015 use of streets

(PS)

(PS)

### **12. APPOINTMENTS – First Reading**

#### **RE-APPOINTMENTS**

1. Susanne Marzi Cameron 17 Oakland St. Affordable Housing Trust

January 1, 2017

## **END OF CONSENT AGENDA**

## **REGULAR AGENDA**

### **13. APPOINTMENTS - Second Reading**

#### **RE-APPOINTMENTS**

2. Barry J. McBride 5 Pine Street, Salisbury Assistant Wiring Inspector
3. Paul M. Bevilacqua 126 Merrimac St. #3 Tree Commission

January 31, 2016

November 1, 2018

### **14. ORDERS**

1. TABLED - Discontinuance Harnch's Way - pending ZBA decision

### **15. ORDINANCES**

1. 2<sup>nd</sup> Reading - Amend ORD 13-136 Stop Intersections Beacon Ave.

### **16. COMMITTEE ITEMS**

#### **Budget & Finance**

##### ***In Committee:***

1. Mayor letter regarding Order for Revolving Fund Expenses
2. Order Amend Revolving Fund expenses
3. Order Home Rule Petition- supplementing education budget (COTW)
4. Amend ORD Ch. 2 Section 2-45 City Council Salary
5. Amend ORD Ch. 2 Section 2-61A School Committee Salary
6. Human Resources Dependent Audit
7. Letter from Hope Church regarding Master Box fee

\*03/17/2014

\*03/17/2014

\*05/12/2014

\*05/12/2014

\*05/12/2014

\*06/30/2014

\*11/10/2014

- |  |             |
|--|-------------|
| 8. School Dept. for school expenses to Lunch Program, \$25,000 | *02/12/2015 |
| 9. Tax Increment Financing Plan for UFP Technologies, Inc.     | *02/12/2015 |
| 10. Auditor's Mid Year Report                                  | *02/12/2015 |
| 11. Snow Budget Deficit  | *02/12/2015 |

## **General Government**

### **Joint Education**

#### ***In Committee:***

- |  |             |
|--|-------------|
| 1. Order Home Rule Petition- supplementing education budget (COTW) | *05/12/2014 |
|--|-------------|

### **License & Permits**

#### ***In Committee:***

- |  |             |
|--|-------------|
| 1. Movable Sign Application Newburyport Brewing Company    | *02/10/2014 |
| 2. Amend ORD Sec. 9-114 Transient Vendors Restricted Areas | *04/28/2014 |
| 3. Letter regarding transient vendor licensing             | *06/30/2014 |
| 4. Taxi License Renewal Harold Congdon Port Taxi, Inc.     | *01/12/2015 |

### **Neighborhoods and City Services**

#### ***In Committee:***

- |   |             |
|---|-------------|
| 1. Amend ORD Part 2 Article III Ch. 3-31 Feeding or baiting of wild birds | *01/12/2015 |
|---|-------------|

### **Planning & Development**

#### ***In Committee:***

- |  |             |
|--|-------------|
| 1. Letter from Newburyport Preservation Trust                        | *03/31/2014 |
| 2. First Refusal to Purchase Lot 8 Low Street                        | *01/12/2015 |
| 3. Amend ORD Zoning Map Sec. III-C "Back Bay Area Zoning Map Change" | *01/12/2015 |
| 4. Amend Zoning ORD Apendix A Sec. XXIX Smart Growth District (SGOD) | *01/29/2015 |

### **Public Safety**

#### ***In Committee:***

- |   |             |
|---|-------------|
| 1. Amend ORD 13-174 State Street Resident Parking       | *11/10/2014 |
| 2. Amend ORD 13-174 Parking limited State Street 4 hour | *01/29/2015 |
| 3. Amend ORD 13-168 Parking restricted Norman Avenue    | *01/29/2015 |
| 4. Amend ORD 13-168 Parking restricted Murphy Avenue    | *01/29/2015 |
| 5. Amend ORD 13-180 Resident Parking                    | *01/29/2015 |
| 6. Letter for use of Brown Square June 7, 2015          | *02/12/2015 |

### **Public Utilities Committee**

#### ***In Committee:***

- |  |             |
|--|-------------|
| 1. Water and Sewer Commissions adjustment of sewer bill charges re second meters | *11/24/2014 |
| 2. Home Rule Petition Fluoride in Water  | *01/12/2015 |
| 3. Newburyport Public Schools letter re fluoride                                 | *02/12/2015 |

### **Rules Committee**

## **17. GOOD OF THE ORDER**

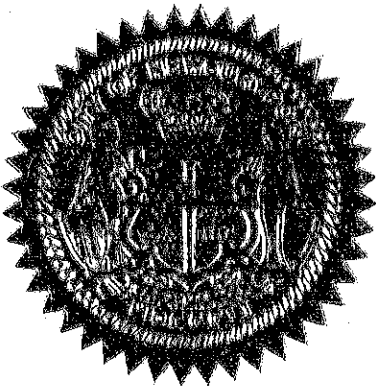
## **18. ADJOURNMENT**

# CITATION

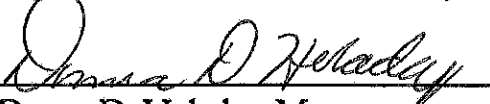
DR. SUSAN BELUK

The City of Newburyport hereby acknowledges your 15 years of service and the commitment and dedication you gave to the Board of Health. Your expertise and outstanding work ethic will be sorely missed.

Now therefore, I, Donna D. Holaday, Mayor of the City of Newburyport, speaking for its residents do hereby extend our heartfelt appreciation for your years of loyalty to the City of Newburyport.



Given under my hand and seal this  
Twenty Sixth Day of January in the  
Year Two Thousand and Fifteen,

  
Donna D. Holaday, Mayor

## **CONSENT AGENDA**

## CITY COUNCIL MEETING MINUTES - VERSION 1

February 12, 2015

7:30PM

Council President Pro Tem Connell called the meeting to order at 7:30 pm. A moment of silence was held. Councillor Connell asked the snow gods to ease up. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Cronin, Eigerman, Giunta, Heartquist, Herzog, Tontar, Vogel and Connell. 9 Present, 2 Absent (Kinsey, O'Brien).

1. **LATE FILES** – Communication #5, #6, #7, and Order #3.

**Motion to waive the rules and allow late files by Councillor Cameron, seconded by Councillor Vogel. So voted.**

### 2. PUBLIC COMMENT

1. Ron Lataille	UFP	TIF
2. Bob Pomerleau	UFP	TIF
3. Sheila Taintor	10 Dexter Street	Plastic Bags Ban
4. Wendy Ford	Water Street	Plastic Bags Ban
5. Martha McMamany	High Street	Plastic Bags Ban
6. Leah Petty	229 Water St.	Plastic Bags Ban
7. Katherine Gendron	8 Brooks Ct.	Plastic Bags Ban
8. Yvonne McQuilken	39 Purchase St.	Plastic Bags Ban
9. Elizabeth Marcus	10 Barton St.	Plastic Bags Ban
10. Janine B. Looken	261 Merrimac St.	Plastic Bags Ban
11. Carol Beauparlant	3 Belcher St.	Fluoride
12. Monika Chas	35 Broad St.	Plastic Bags Ban

3. **MAYOR'S COMMENT** – The Mayor introduced Ron Lataille and Bob Pomerleau of UFP Technologies and gave an update on the snow bans and on the City's snow removal efforts.

**A two minute recess was held to connect on FaceTime with Councillor O'Brien, who was calling in due to geographic distance.**

### 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.

### 4. APPROVAL OF MINUTES

January 29, 2015

(Approved)

### 5. TRANSFERS

- |   |            |
|---|------------|
| 1. School Dept. for school expenses to Lunch Program, \$25,000                    | (B&F)      |
| 2. Youth Services, Substance Abuse Grant to Drug Free Communities Grant, \$15,000 | (Approved) |

### 6. COMMUNICATIONS

- |  |      |
|--|------|
| 3. Letter for use of Brown Square June 7, 2015   | (PS) |
| 4. Newburyport Public Schools letter re fluoride | (PU) |

### 7. APPOINTMENTS – First Reading

#### RE-APPOINTMENTS

- |                       |                          |                            |                  |
|-----------------------|--------------------------|----------------------------|------------------|
| 5. Barry J. McBride   | 5 Pine Street, Salisbury | Assistant Wiring Inspector | January 31, 2016 |
| 6. Paul M. Bevilacqua | 126 Merrimac St. #3      | Tree Commission            | November 1, 2018 |

### END OF CONSENT AGENDA

**Motion to approve the consent agenda by Councillor Cameron, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.**

## REGULAR AGENDA

### 8. COMMUNICATIONS

3. Auditor's Mid-Year report

**Motion to refer to B&F by Councillor Cronin, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.**

4. LATE FILE Mayor's Update – None

5. Board of Health letter to City Council

**Motion to refer to Public Utilities. Motion withdrawn. Motion to receive and file by Councillor Herzog, seconded by Councillor Cronin. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.**

6. State Dept. of Health letter to Board of Health

**Motion to receive and file by Councillor Cameron, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.**

7. Notification of Snow Budget deficit

**Motion to refer to Budget & Finance by Councillor Cronin, seconded by Councillor Herzog. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.**

### 9. APPOINTMENTS Second Reading - None

### 10. ORDERS

1. TABLED - Discontinuance Harnch's Way - pending ZBA decision

**Motion to remove from the Table by Councillor Cronin, seconded by Councillor Eigerman. Roll call vote, 10 yes, 1 absent (Kinsey). So voted. Motion to Table pending ZBA decision by Councillor Cronin, seconded by Councillor Eigerman. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.**

2. Referendum on Plastic Bags for Nov. 3, 2015

**Motion to approve by Councillor Cronin, seconded by Councillor Herzog. Roll call vote, 4 yes (Giunta, Herzog, Cronin, O'Brien), 6 no, 1 absent (Kinsey). Motion failed.**

3. Tax Increment Financing Plan for UFP Technologies, Inc.

**Motion to refer to Budget & Finance by Councillor Cronin, seconded by Councillor Tontar. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.**

### 11. ORDINANCES

1. Amend ORD 13-136 Stop Intersections Beacon Ave. 2<sup>nd</sup> Reading - *Pending Publication*

2. Amend ORD 6.5-48 Rev Plastic Bags, Effective Date

**Motion to receive and file by Councillor Cronin, seconded by Councillor Herzog. Roll call vote, 9 yes, 1 no (Vogel), and 1 absent (Kinsey). So voted.**

### 12. COMMITTEE ITEMS

#### Budget & Finance

##### *In Committee:*

1. Mayor letter regarding Order for Revolving Fund Expenses \*03/17/2014
2. Order Amend Revolving Fund expenses \*03/17/2014
3. Order Home Rule Petition- supplementing education budget (COTW) \*05/12/2014
4. Amend ORD Ch. 2 Section 2-45 City Council Salary \*05/12/2014
5. Amend ORD Ch. 2 Section 2-61A School Committee Salary \*05/12/2014
6. Human Resources Dependent Audit \*06/30/2014
7. Letter from Hope Church regarding Master Box fee \*11/10/2014
8. Mayor's Office Gen Fd Free Cash \$163,000 to Rail Trail Capital Project Fd \*01/29/2015

**Removed by Councillor Tontar, seconded by Councillor Eigerman. Roll call vote, 10 yes, 1 absent (Kinsey). So voted. Motion to approve by Councillor Tontar, seconded by Councillor Eigerman. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.**

9. OPEB appoint custodian \*01/29/2015

**Removed by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 absent (Kinsey). So voted. Motion to approve as amended to \$450,000 by Councillor Tontar, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.**

## **General Government**

### **Joint Education**

#### *In Committee:*

1. Order Home Rule Petition- supplementing education budget (COTW) \*05/12/2014

### **License & Permits**

#### *In Committee:*

1. Movable Sign Application Newburyport Brewing Company \*02/10/2014
2. Amend ORD Sec. 9-114 Transient Vendors Restricted Areas \*04/28/2014
3. Letter regarding transient vendor licensing \*06/30/2014
5. Taxi License Renewal Harold Congdon Port Taxi, Inc. \*01/12/2015

### **Neighborhoods and City Services**

#### *In Committee:*

1. Amend ORD Part 2 Article III Ch. 3-31 Feeding or baiting of wild birds \*01/12/2015

### **Planning & Development**

Councillor Cameron said there will be a meeting on the Colby Farm land jointly with the Planning Board on March 4, 2014.

#### *In Committee:*

1. Letter from Newburyport Preservation Trust \*03/31/2014
2. First Refusal to Purchase Lot 8 Low Street \*01/12/2015
3. Amend ORD Zoning Map Sec. III-C "Back Bay Area Zoning Map Change" \*01/12/2015
4. Amend Zoning ORD Appendix A Sec. XXIX Smart Growth District (SGOD) \*01/29/2015

### **Public Safety**

#### *In Committee:*

1. Amend ORD 13-174 State Street Resident Parking \*11/10/2014
2. Amend ORD 13-174 Parking limited State Street 4 hour \*01/29/2015
3. Amend ORD 13-168 Parking restricted Norman Avenue \*01/29/2015
4. Amend ORD 13-168 Parking restricted Murphy Avenue \*01/29/2015
5. Amend ORD 13-180 Resident Parking \*01/29/2015

### **Public Utilities Committee**

Councillor Herzog said there will be a committee meeting on Fluoride to be scheduled.

#### *In Committee:*

1. Water and Sewer Commissions adjustment of sewer bill charges re second meters \*11/24/2014
2. Home Rule Petition Fluoride in Water \*01/12/2015

### **Rules Committee**

## **13. GOOD OF THE ORDER**

Councillor Cronin made a motion to have the City Clerk write a letter to DPS on a job well done with snow removal, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.

Councillor Tontar extended his thanks to the residents of Ward 4 who have been especially responsible about shoveling sidewalks.

Councillor Vogel wished everyone to understand that the vote on Fluoride is whether to put the question on the ballot.

## **14. ADJOURNMENT**

Councillor Tontar moved to adjourn, seconded by Councilor Herzog at 9:00 pm. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.

## TRANSFERS



## COMMUNICATIONS



Communication #1  
February 23, 2015

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2015 FEB 17 P 1:38

## YANKEE HOMECOMING INC.

P.O. Box 493  
Newburyport, MA 01950

February 4, 2015

Member of the Newburyport City Council  
City Hall  
60 Pleasant Street  
Newburyport, Ma 01950

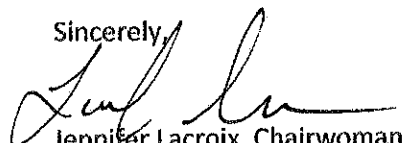
Member of the City Council,

This year Yankee Homecoming will celebrate its 58<sup>th</sup> consecutive year in bringing educational, historical and entertainment to the people in our community. Our non-profit organization is proud in the fact that, over the years, we have continued to bring family and friends together to celebrate the United States Coast Guard, the beautiful City of Newburyport and all we have to offer. This year our celebration will be held July 26 through August 2, 2015.

As General Chair of this year's Yankee Homecoming, I am requesting the use of the City of Newburyport for our celebration. My theme for this year is ***"Rich with Traditions -- Celebrating 225 Years of the United States Coast Guard."*** Yankee Homecoming was originally conceived with the US Coast Guard in mind and continues to celebrate and honor the US Coast Guard each year.

I am looking forward to working with our "seasoned" volunteers and welcoming new volunteers. I also look forward to working with all of you in making this a grand celebration. Thank you for your considerations.

Sincerely,

  
Jennifer Lacroix, Chairwoman  
Yankee Homecoming 2015  
978 239 2968



REVISED

February 18, 2015

Newburyport City Council  
City of Newburyport  
60 Pleasant Street  
Newburyport, MA 01950

Dear Council President O'Brien and members of the Newburyport City Council:

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/events:

- Newburyport Spring Fest, Sunday and Monday, May 24 & 25, 2015
- Tour d'Elegance, Saturday, July 25, 2015
- Cruisin the 50's, Thursday, August 13, 2015 (rain date August 20)
- Riverfront Music Festival, Saturday, August 29, 2015
- Taste of the Port, Saturday, September 19, 2015
- Fall Harvest Festival, Sunday and Monday, October 11 & 12, 2015
- Witches Night Out, Friday, October 16, 2015
- Pumpkin Lighting, Saturday, October 17, 2015
- Santa Parade and Tree Lighting, Sunday, November 29, 2015
- Invitation Nights, Fridays, December 4, 11 and 18, 2015
- Santa's Workshop, Saturdays and Sundays, December 5, 6, 12, 13, 19, and 20, 2015

Approximate times for each event are listed below.

The revenues generated from these Chamber fund raising events are used for marketing the city, tourism, maintenance of the seasonal information booth, beautification of the downtown and various other projects in the interest of the community. All funds are raised through 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 cornstalks and hay bales that brighten up Market Square in the fall to 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 \$18,000.

2. **Newburyport Spring Fest** is Memorial Day Weekend, May 24 & 25 runs from 7 AM – 7 PM. There is a spring festival planning committee made up of chamber board members, members (both retail and non) as well as staff. Since 2008 we have worked with the city council at their request to make improvements to the food vendors booths. In 2012 we worked with the health department to comply with their new festival health requirements.
3. **Tour d'Elegance** - We are proud to be working with Endicott College on the third year of a new addition to their very successful Concours d'elegance boutique car show. The Tour will begin in Newburyport on Saturday, July 25 from 9 – 11 AM and then will head to Endicott College down the scenic byway. Approval from the Newburyport Redevelopment Authority will be requested as the cars will be parked in the paved NRA East lot.
4. **Cruisin the 50's** – The 4<sup>th</sup> annual Cruisin the 50's, August 13<sup>th</sup> event coordinated by the Chamber and WNBP will take place in downtown Newburyport. Due to the success of last year, we will work with the public safety committee and Police department to consider the closure of State and Pleasant Streets for this event which runs from 4 – 8 PM.
5. **Riverfront Music Festival** – The chamber is pleased to announce the 13<sup>th</sup> annual Riverfront Music Festival on Saturday, August 29 from 12 – 6 PM. The date has been confirmed with the Waterfront Trust.
6. **Taste of the Port** – The chamber is pleased to announce a new event that will replace Oktoberfest. This event will feature a food and beverage related event featuring the many restaurants, beverage and specialty food members in one location in the NRA parking lot. The event will run from 12 – 6 PM on Saturday, September 19<sup>th</sup>.
7. **Fall Harvest Festival** is a mainstay of the fall season and a welcomed event. The festival planning committee will once again be working on this event. At this event we also ask permission to adorn the lampposts with scarecrows created by local residents and businesses. The festival is planned for Columbus Day Weekend, October 11 & 12. This event runs from 7 AM – 7 PM as well.
8. **Witches Night Out and Pumpkin Lighting** – The chamber's retail committee is pleased to present again two events geared for the community at large. Witches Night Out on October 17 an adult friendly event and the Newburyport Great Pumpkin Lighting on October 17, a new tradition and a

great family friendly event. Witches Night Out will be held from 6-9 PM and the Pumpkin Lighting from 5:30 - 8 PM.

9. **Holiday Activities** -- The holidays kick off in Newburyport on Sunday, November 29 with the parade and tree lighting and continue throughout December with three evenings of Invitation Nights and Santa's Workshop. As we have done for the past thirty plus years we are asking for permission to erect a Chrstmas tree donated by a local area resident.

We look forward to working with the city, 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. As we work in conjunction with many partners, we are hopeful that this will be a great year for our City, the local businesses and the region as a whole.

**Areas Requested:**

- Use of the Inn Street Mall, State Street, Market Square (bullnose), Pleasant Street and sidewalks on areas in front of Waterfront Park and the Firehouse Center for the Arts.
- Use of the parking spaces and sidewalk on both sides of State Street from Market Square to Pleasant Street.
- Use of the parking spaces on the north side of Merrimac near the chamber information booth.
- We will be working with and gaining approval from the Newburyport Redevelopment Authority as well as the Waterfront Trust for areas under their perview.

I look forward to answering any questions that the council may have. Thank you for your consideration.

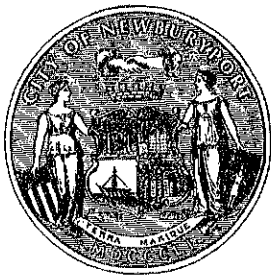
Sincerely,



Ann Ormond  
President

cc: Mayor Donna D. Holaday  
Richard B. Jones, City Clerk

**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

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: February 18, 2015  
Subject: Re-Appointment

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I hereby re-appoint, subject to your approval, the following named individual as a member of the Affordable Housing Trust. This term will expire on January 1, 2017.

Susanne Marzi Cameron  
17 Oakland Street  
Newburyport, MA 01950

**END OF CONSENT AGENDA**

**BEGINNING OF REGULAR AGENDA**



**APPOINTMENTS  
SECOND READING**

**MAYOR'S APPOINTMENTS**  
**February 23, 2015**  
**SECOND READING**

**RE-APPOINTMENTS**

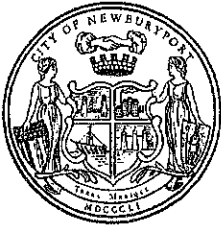
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|-----------------------|--------------------------|----------------------------|------------------|
| 2. Barry J. McBride   | 5 Pine Street, Salisbury | Assistant Wiring Inspector | January 31, 2016 |
| 3. Paul M. Bevilacqua | 126 Merrimac St. #3      | Tree Commission            | November 1, 2018 |

**In City Council February 12, 2015**

Motion to approve the consent agenda by Councillor Cameron, seconded by Councillor Vogel. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.

## ORDERS

## CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 24, 2014

**THAT** pursuant to General Laws Chapter 82, Sections 21 and 32A the City Council of the City of Newburyport hereby abandon and discontinue permanently a portion of Harnch's Way (a public way) as shown on a plan, a copy of which is on file with the City Clerk and Office of Planning & Development, entitled "*2 Ferry Road Discontinuance*," prepared by DGT Survey Group – North Shore and dated 10-12-12. Said portion of Harnch's Way hereby abandoned and discontinued is bounded and described, according to said plan, as the area labeled "Portion of Harnchs Way to be Discontinued," consisting of approximately 731 sq.ft.

Said portion of Harnch's Way is hereby declared abandoned and is unused for ordinary travel and the common convenience and necessity no longer requires this portion of the public way to be maintained in a condition reasonably safe and convenient for travel. The City shall no longer be bound to keep such way or portion thereof in repair.

Councillor Thomas F. O'Brien  
Councillor Larry Giunta, Jr.

### **In City Council November 24, 2014**

Motion to refer to Planning & Development by Councillor Connell, seconded by Councillor Cameron. Motion withdrawn. Motion to Table by Councillor Giunta, seconded by Councillor Cameron. So voted.

### **In City Council December 8, 2014**

Motion to remove from the Table by Councillor Cameron, seconded by Councillor Giunta. So voted. Motion to Table by Councillor Cameron, seconded by Councillor Giunta. So voted.

### **In City Council January 12, 2015**

Motion to remove from the Table by Councillor Cronin, seconded by Councillor Cameron. So voted. Motion to Table by Councillor Cronin, seconded by Councillor Vogel. So voted.

### **In City Council January 29, 2015**

Motion to remove from the Table by Councillor Cameron, seconded by Councillor Cronin. So voted. Motion to Table pending ZBA decision by Councillor Herzog, seconded by Councillor Cameron. So voted.

### **In City Council February 12, 2015**

Motion to remove from the Table by Councillor Cronin, seconded by Councillor Eigerman. Roll call vote, 10 yes, 1 absent (Kinsey). So voted. Motion to Table pending ZBA decision by Councillor Cronin, seconded by Councillor Eigerman. Roll call vote, 10 yes, 1 absent (Kinsey). So voted.

## ORDINANCES

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 27, 2014

## AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES.

**Chapter 13** Traffic and Motor Vehicles  
**Article IV** Specific Street Schedules  
**Division 6** Stopping, Standing and Parking  
**§ 13-176** Resident Parking

Delete:

Beacon Avenue Northeastbound drivers on Beacon Avenue at Oak Street.

Amend to state as follows:

Beacon Avenue Northeastbound and southwestbound drivers on Beacon Avenue at Oak Street.

Oak Street Northwestbound and southeastbound drivers on Oak Street at Beacon Avenue.

Councillor Allison Heartquist

### In City Council January 12, 2015

Motion to refer to Public Safety by Councillor Heartquist, seconded by Councillor Herzog. So voted.

### In City Council January 29, 2015

Motion to remove by Councillor Cronin, seconded by Councillor Heartquist. So voted. Motion to approve 1<sup>st</sup> reading and order published by Councillor Cronin, seconded by Councillor Heartquist. Roll call vote, 10 yes, 1 absent (Giunta). So voted.

## **COMMITTEE ITEMS**

## **BUDGET AND FINANCE**



# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

February 12, 2015

**THAT** the City Council of the City of Newburyport hereby agrees to: (a) adopt a ten (10) year Tax Increment Financing ("TIF") Plan and Agreement pursuant to Massachusetts General Laws Chapter 40, Section 59 between UFP Technologies, Inc. and the City of Newburyport, for property located at 100 Hale Street, Newburyport shown as Assessors' parcel ID Map 95 Lot 2-A, substantially in the form attached to this Order, which TIF Plan and Agreement will provide for real estate tax exemptions at the exemption rate schedule set forth therein, subject to approval by the Commonwealth of Massachusetts Office of Business Development (MOBD) and Economic Assistance Coordinating Council (EACC); (b) approve the project proposal, and find that the proposal meets the requirements of the Massachusetts General Laws Chapter 23A Section 3F and the applicable regulations at 402 C.M.R. 2.00, and authorize and support the submission of same to the MOBD and EACC for its approval under the Commonwealth's Economic Development Incentive Program (EDIP), substantially in the form attached to this Order; (c) authorize the Mayor to execute the TIF Agreement, and approve the submission to the EACC of the TIF Plan and Agreement and Certified Project application and any necessary documents relating thereto, and to take such other actions as necessary or appropriate to implement the provisions of those documents.

Councilor Larry G. Giunta

BTF  
RC/CH



City of Newburyport  
FY 2015

BUDGET TRANSFER REQUEST

Transfer #1  
February 9, 2015

RECEIVED  
CLERK'S OFFICE  
NEWBURYPORT, MA

FEB -3 P 2:20

Department: School Department

Submitted by: Susan L. Viccaro

Date Submitted: 2/3/2015

Transfer From:

Account Name	School Expenses	YTD Bal:	\$ 14,254,463.13
Account Number:	01300002-53201	Trans In:	\$ -
Amount:	\$25,000.00	Trans Out:	\$ -
Why are Funds Available:	The FY2015 appropriation of \$25,148,813.00 for the Newburyport Public Schools included a \$50,000.00 contingency for the School Lunch Program.		

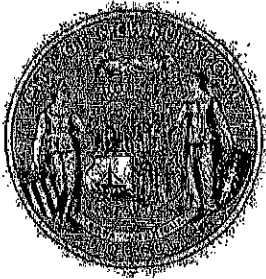
Transfer To:

Account Name	School Lunch Program	YTD Bal:	\$ 0.86
Account Number:	22-49700	Trans In:	\$ -
Amount:	\$25,000.00	Trans Out:	\$ -
Why are Funds Required:	Contingency funds, budgeted for within the regular school budget, are needed to fund the School Lunch Program. The Finance Committee of the School Committee voted in favor of this transfer at their January 15, 2015 meeting. An additional transfer request may be required prior to year-end.		

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

*Donna D. Holaday*  
*Ethan R. Manning*

Date: 1/30/2015  
Date: 1/30/2015



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

DONNA D. HOLADAY  
MAYOR

ETHAN R. MANNING  
FINANCE DIRECTOR/CITY AUDITOR

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

From: Ethan R. Manning, Finance Director/City Auditor

Date: February 3, 2015

Subject: FY 2015 Mid-Year Budget Report

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Attached is the FY 2015 Mid-Year Budget Report that includes a summary of budget expenditures for the period of July 1, 2014 through December 31, 2014. The report covers expenditures within the General Fund and the Water, Sewer, and Harbormaster Enterprise Funds. Also included below is an update on the City's reserve positions.

FY 2015 marked the third year of implementation of the new budget format that requires the Mayor and City Council to present and approve the budget in categories. These categories are: Personnel Services, Purchase of Services, Supplies, Other Charges and Expenses, Capital Outlay and Debt Service. This format is recommended by the Massachusetts Department of Revenue and is in accordance with the best practices recognized by the Government Finance Officers Association (GFOA).

Once the annual budget is approved by the City Council, spending, in each category, cannot exceed the total appropriation for that category unless additional funding is provided through a budget transfer or supplemental budget appropriation. This format has proven to be an effective tool that has helped to reduce the need for the City Council to approve routine budget transfers. This format also allows City managers greater flexibility in managing their budgets.

Mid-year budget expenditures within the General Fund, and the Water, Sewer, and Harbormaster Enterprise Funds, were all on target. General Fund expenditures were 47.0% of appropriations, Water 59.2% of appropriations, Sewer 51.4% of appropriations, and Harbormaster 41.9% of budget appropriations. Typically, expenditure levels are not exactly 50% at mid-year as major expenditures occur during various times of the year. At mid-year, General Fund expenditures were slightly below the 50% mark primarily due to school expenses, which are typically higher in the second half of the fiscal year given the academic calendar.

While most department/cost centers show expenses below or near 50% of appropriations, those that were higher than 55% included:

- **General Administration (65.5%)**: Contingency funds were used to fulfill increases as a result of a collective bargaining agreement with the firefighters' union signed in the fall.
- **Information Technology (69.9%)**: Licenses, including the license for the City's MUNIS financial software, are paid in July, resulting in higher expenditures in the first half.
- **Board of Registrars (81.7%)**: Due to increased election work resulting from the recount and debt exclusion vote for athletic fields.
- **Planning Board (58.3%), Zoning Board (100.0%)**: Funding for minute takers is drawn first from the General Fund budget and then from the revolving fund.
- **Whittier Vocational Technical School (85.0%)**: The majority of the assessment payments are made during the first half of the fiscal year.
- **Youth Services (56.9%)**: This department is partially funded by grants. A transfer for Youth Services should be anticipated by year-end.
- **Veterans' Department (55.5%)**: Costs were slightly higher in the first half due to the payment of veterans' benefits.
- **Parks Department (64.4%)**: The majority of the Parks budget is utilized during the summer months, resulting in higher expenditures in July, August and September.
- **Excluded Debt Service (66.1%), Ordinary Debt Service (73.5%)**: Annual debt service payments typically include two interest payments and one principal payment. The principal payment is typically due in July or October, resulting in higher expenditures during the first half of the fiscal year.
- **Retirement Board (100.0%)**: The City's appropriation to the Newburyport Retirement System was paid on July 1<sup>st</sup>, resulting in a cost savings of approximately \$80,000.
- **Water Enterprise Fund (59.2%)**: Due to fall water main replacement projects, as well as, debt service payments made during the first half of the fiscal year.

Additional funding may be required in some accounts, such as snow and ice and overtime, due to the unpredictability of those line items. In accordance with State law, the City is allowed to exceed the budget appropriation for snow and ice removal as it is a matter of public safety. However, any deficit must be removed prior to year-end through the use of reserves or other available funds. If the deficit is not removed prior to year-end, then the shortage must be made-up in the next fiscal year's tax rate. Although the Snow and Ice account was not heavily utilized during the first half of the fiscal year, extreme weather conditions in January and February have largely depleted the \$180,000 appropriation. In past years, Free Cash has been the source of funding to cover Snow and Ice deficits, which have run as high as \$200,000.

#### **RESERVE BALANCES**

Newburyport's Free Cash for the current year was certified at \$2,373,046, and the current Stabilization Fund balance is \$2,633,708. Collectively, Free Cash and Stabilization Fund balances are at 9.3% of General Fund Expenditures, which is viewed favorably by the bond

rating agencies and has been a major factor in maintaining the City's AA+ credit rating from Standard and Poor's. Additionally, FY 2015 was the third year in a row that the Mayor's Proposed Budget did not require funding from either the Stabilization Fund or Free Cash to balance the proposed City budget.

As of December 31, 2014, \$332,237 has been used from Free Cash leaving an available balance of \$2,040,809. The appropriated amount of \$332,237 was returned to property owners in the form of a reduced tax rate of \$13.34 per \$1,000 of assessed value. In past years, Free Cash has also been used to cover potential snow and ice deficits. Given the current snow and ice deficit, a portion of Free Cash should be reserved for that purpose in FY 2015.

In addition, it is advisable to reserve a portion of Free Cash going into the next year's certification in order to provide additional assurance that the City will remain in a positive Free Cash position at year-end. A year-end *minimum* Free Cash balance of \$500,000 is targeted in accordance with the City's Financial Policies.

Although there is a high likelihood that Free Cash will again be available in FY 2016 due to conservative revenue estimates and effective budget controls, it should be kept in mind that Free Cash is not a guaranteed recurring funding source and expenditures from this account should be used primarily for non-recurring expenses.

The Stabilization Fund, an invested account commonly referred to as the "Rainy Day Fund," has remained stable in recent years. The City's Financial Policies state that the Stabilization Fund balance should equal at least 5% of General Fund revenues. The current balance is just below that target and, as such, a transfer may be recommended by year-end to bring this balance back to 5%.

In addition to Free Cash and the Stabilization Fund, the City has taken an important step by establishing a Trust Fund for Other-Post Employment Benefits (OPEB). The balance in the OPEB Trust Fund was \$25,000 on December 31, 2014 and there is currently a recommended transfer to increase the balance by \$549,772. It is the City's goal to invest these funds through the state's Pension Reserve Investment Trust (PRIT), which is among the best performing state pension funds in the nation, with an average annual return of +9.6% since its inception in 1985.

Please feel free to contact me if you have any questions.

Respectfully submitted,



Ethan R. Manning  
Finance Director/Auditor

## Public Safety

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 26, 2015

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 13-174	Parking limited—Generally

*Delete from the table:*

State	For a period longer than four (4) hours between the hours of 6:00 a.m. to 7:00 p.m. during weekdays, excluding holidays, on the westerly side from the intersection of Route 1 and State Street and continuing in a northerly direction approximately 1,250 feet.
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Councillor Jared J. Eigerman

**In City Council January 29, 2015**

Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Cronin. So voted.



# CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

November 10, 2014

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 13-174	Parking limited—Generally

*Delete from the table:*

State	For a period longer than four (4) hours between the hours of 6:00 a.m. to 7:00 p.m. during weekdays, excluding holidays, on either side from the intersection of Route 1 and State Street and continuing in a northerly direction approximately 1,250 feet.
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*Add to the table:*

State	For a period longer than four (4) hours between the hours of 6:00 a.m. to 7:00 p.m. during weekdays, excluding holidays, on the westerly side from the intersection of Route 1 and State Street and continuing in a northerly direction approximately 1,250 feet.
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Councillor Jared J. Eigerman

**In City Council November 10, 2014**

Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Connell. So voted.



# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 26, 2015

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 13-168	Parking restricted on certain streets.

*Add:*

Norman Avenue	No parking between the hours of 7:00 a.m. and 9:00 a.m. and 2:00 p.m. and 4:00 p.m., weekdays, excepting holidays on the south side and north side from Murphy Avenue for a distance of 170 ft running in an easterly direction.
---------------	--

Councillor Larry G. Giunta, Jr.

**In City Council January 29, 2015**

Motion to refer to Public Safety by Councillor Connell, seconded by Councillor Herzog. So voted.

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 26, 2015

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 13-168	Parking restricted on certain streets.

**Add:**

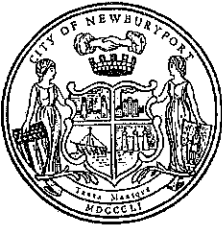
Murphy Avenue	No parking on both sides with the exception of the area running for a distance of 100 feet from Low Street wherein there shall be no parking on both sides between the hours of 7:00 a.m. and 9:00 a.m. and 2:00 p.m. and 4:00 p.m., weekdays, excepting holidays.
---------------	--

Councillor Larry G. Giunta, Jr.

**In City Council January 29, 2015**

Motion to refer to Public Safety by Councillor Connell, seconded by Councillor Herzog. So voted.

# CITY OF NEWBURYPORT



IN CITY COUNCIL

January 26, 2015

## ORDERED:

### 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.

**DELETE:** Existing Section 13-180 in its entirety.

## ADD:

**Preamble.** Resident parking zones may be established: (1) where a bona fide hardship exists caused by unique or special conditions; and/or (2) where the city has imposed one- or two- or four- hour parking limits on residential streets bordering commercial zones; and/or (3) where the residents of these residential districts suffer from unreasonable burdens in gaining access to their residences.

### (a) **Definitions. As used in this section:**

- (1) *Residential parking zone* shall mean a contiguous or nearly contiguous area containing public highways or parts thereof primarily abutted by residential property or residential and business property.
- (2) *Residential parking permit zone* shall mean a residential district where curbside parking on public highways is limited to not more than two or four consecutive hours between 8:00 a.m. and 6:00 p.m. Monday - Saturday, excepting Sundays and holidays, unless the vehicle properly displays a parking permit authorized by this section.
- (3) *Resident only parking zones* shall mean a residential district where curbside parking on public highways is restricted to vehicles of residents that properly display a parking permit authorized by this section.

### (b) **Posting of residential parking permit signs.**

- (1) Following the city's approval to designate a residential parking permit zone, parking signs shall be erected in the designated area.
- (2) The signs shall be of such character as to inform readily an ordinarily observant person that curbside parking on public highways in designated area is limited to not more than two (2) or four (4) consecutive hours, unless the vehicle properly displays a parking permit authorized by this section.
- (3) The signs for the resident only parking zones shall be of the same character as other parking signs and shall clearly show that parking is restricted to residents only.

### (c) **Issuance of residential parking permits.**

- (1) Any person over the age of sixteen (16) who resides within the residential parking zone may apply for a residential parking permit by completing and signing an application designed to provide the following information:
  - a. The name and residential address of the owner of the vehicle;
  - b. The name, residential address and driver's license number of the principal operator of the vehicle;
  - c. The make, model, color and registration number of the vehicle;

- d. The number of vehicles whose owners or principal operators reside at the applicant's residence and the number of off-street parking spaces available for such vehicles within the residential parking permit zone.
- (2) Reserved.
- (3) No residential parking permit shall be issued for a vehicle whose owner or principal operator does not reside within the residential parking permit zone or which is not registered in the Commonwealth of Massachusetts unless such registration is not required.
- (4) Whenever the parking clerk or his designee shall find that the applicant qualifies under the provisions of this section for a residential parking permit, he shall issue to the applicant one (1) residential parking permit for the vehicle described in the application.
- (5) The residential parking permit shall contain the following information:
  - a. The registration number of the vehicle;
  - b. The designation of the residential parking permit zone;
  - c. The expiration date of the permit which shall be December 31st of the year in which it is issued
- (d) **Renewal and transfer of permits.**
  - (1) Upon submission of evidence to the parking clerk that he or she is still qualified for a residential parking permit, a holder of a valid permit for the previous year shall be entitled to a new residential parking permit for the current year.
  - (2) Upon surrender of his or her existing residential parking permit and completion of a new application, the holder of a valid residential parking permit shall receive a new parking permit to be transferred to another qualifying vehicle.
- (e) **Use of residential parking permits.**
  - (1) A parking permit shall not guarantee or reserve a parking space nor shall it excuse the observance of any traffic or parking regulation other than the time limit on parking.
  - (2) It shall be a violation of this section to use a permit in any residential parking permit zone other than the one for which the permit was issued.
  - (3) It shall be a violation of this section to obstruct access to driveways of residences in the parking zone.
  - (4) The parking permit does not excuse the resident from moving all vehicles from public streets during a declared snow emergency.
  - (5) Display of sticker; the sticker is to be placed on the front windshield, driver's side, lower left corner.
- (f) **Visitor parking permits.** The parking clerk shall also coordinate the issuance of one portable visitor parking permit placards per household which shall be used by visitors of the residents of the zone. Visitor permits will not be replaced if lost. The visitor permit shall be used only while visitors are actually visiting the household to which the permits are issued. The permit must be fully visible and readable from the exterior of the vehicle. Such placards are to be displayed on the front dashboard, directly above the steering mechanism of the vehicle. Such placards shall be returned to the resident at the conclusion of the visit. Any abuse in the use of a visitor parking permit placard shall result in the revocation of the permit by the parking clerk.
- (g) **Designation of two (2) hour residential parking permit zones.**
  - (1) **Zone 1:** Includes the following streets between State Street and Fair Street:
    - Charter Street.
    - Essex Street.
    - Garden Street.
    - Liberty Street.
    - Middle Street.
    - Otis Place.
    - Prospect Street.
    - Temple Street.
  - (2) **Zone 2:** Includes the following streets between Fair and Federal:
    - Middle Street.
    - Temple Street.
    - Spring Street.

- (3) **Zone 3:**
  - (a) Fair Street, on the easterly side between Liberty Street and Water Street, and on the westerly side, between Liberty Street and southerly edge of driveway at 2 Fair Street.
- (4) **Zone 4:** Includes the following streets or portions thereof designated:
  - (a) Arlington Street, both sides from Highland Avenue to the northerly end of those properties known as #23 and #24 on each side of the street respectively.
  - (b) Lafayette Street, both sides from Highland Avenue to the northerly end of those properties known as #18 and #25 on each side of the street respectively.
  - (c) Cherry Street.
  - (d) Hill Street.
  - (e) Bricher Street.
  - (f) Titcomb Street, both sides from the way known as Brown Square to Washington Street.
  - (g) Green Street, on the west side running in a northerly direction from Washington Street for a distance of one hundred (100) feet.
  - (h) Washington Street, on the north side running in a westerly direction from Green Street for a distance of one hundred twenty (120) feet.
  - (i) Pleasant Street, both sides from the property at 66 Pleasant Street to Titcomb Street.
  - (j) Winter Street, beginning at the corner of Washington Street and proceeding southerly on Winter Street to High Street.
  - (k) State Street, beginning at 184 State Street and proceeding southerly to the end of said State Street on the westerly side.
- (h) **Designation of four (4) hour residential parking permit zones.**
  - (1) **Zone 5:** Includes the following streets or portions thereof designated:
    - (a) State Street, on the westerly side from the intersection of Route 1 and State Street and continuing in a northerly direction approximately 1,250 feet.
  - (i) **Resident only parking.**
    - Ashland Street.  
Beginning at the lower corner of Ashland Court and proceeding northerly on the westerly side of Ashland Street to a point 6 feet north of the property line between 2 Ashland Street and 345 Merrimac Street.
    - Beginning at the lower corner of Ashland Court and proceeding northerly on the easterly side of Ashland Street to Merrimac Street.

Councillor Jared J. Eigerman

**In City Council January 29, 2015**

Motion to refer to Public Safety by Councillor Eigerman, seconded by Councillor Cameron. So voted.

*Russell & Babette Duttweiler*

27 Dayton Street ♦ Lowell, MA 01852 ♦ 978-944-0646 ♦ [rbdutt90@hotmail.com](mailto:rbdutt90@hotmail.com)

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2015 JAN 26 P 1:52

January 19, 2015

President O'Brien  
Newburyport City Council  
60 Pleasant Street  
P.O. Box 550  
Newburyport, MA 01950

Dear President O'Brien and Members of the City Council,

I'm writing to you to request the use of the Brown Square area for Sunday, June 7, 2015. Our daughter, Victoria, is getting married on June 7 and having the reception in the Auditorium of Newburyport City Hall. We would like to use the Brown Square area for our guests to play lawn games, such as bocce and croquet, and enjoy light hors d'oeuvres between the ceremony which will take place at Maudsley State Park and the reception. The time for the use of Brown Square will be approximately 5:00-6:00 pm.

I look forward to meeting with you to discuss this further. Thank you for your consideration of our request.

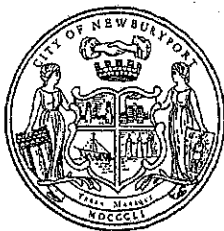
Sincerely,

*Babette Duttweiler*

Babette Duttweiler

## **PUBLIC UTILITIES**

# CITY OF NEWBURYPORT



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

ORDERED:

January 12, 2015

THAT the Newburyport City Council petitions the General Court for special legislation pertaining to water fluoridation, as attached.

Councilor Ari B. Herzog  
Councilor Meghan C. Kinsey



## **HOME RULE PETITION**

An Act to place the local question, "Shall the public water supply for domestic use in the City of Newburyport continue to be fluoridated?" on the November 2015 biennial election ballot

SECTION 1. Notwithstanding section 8C of chapter 111 of the General Laws or any general or special law to the contrary, the city of Newburyport is authorized to include on the ballot for the November 3, 2015 municipal election the following question: "Shall the public water supply for domestic use in the City of Newburyport continue to be fluoridated?"

If the majority of votes in answer to this question is in the negative, the water supply of the city of Newburyport shall not be fluoridated, and the fluoridation of the water supply shall not be ordered again by the board of health for a period of at least 2 years from the date of that vote.

SECTION 2. This act will take effect upon passage.