

CITY COUNCIL MEETING
AGENDA - VERSION 1
April 25, 2011
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
April 11, 2011 (Approve)
7. TRANSFERS
1. NONE
8. COMMUNICATIONS
 1. Pioneer League, Inc. "tag" day weekend, June 4-5, 2011 (Approve)
 2. Use of Bartlett Mall, Bura Alliance 13th Annual Yard Sale, June 4, 2011 (Approve)
 3. Ovarian Cancer Awareness Walk, Sept 25, 2011 (PS)
9. APPOINTMENTS

Re-Appointment

1. Duncan LaBay	4 Ferry Road	Zoning Board of Appeals	February 1, 2014
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END OF CONSENT AGENDA

REGULAR AGENDA

10. APPOINTMENTS

Second Reading

Appointments

2. Howard R. Terrien 16B Toppans Lane Sewer Commission April 1, 2014

11. ORDERS

1. Drain Layer/Utility Contractor Grasso Construction
2. McCarthy Betterment Abatement Order
3. Resolution, Public Service Recognition Week
4. Planet Aid Placement
5. Compost Facility Resolution, Veto Attached

12. ORDINANCES

1. Sec 13-136 Stop Sign, Plummer Spring Road
2. Sec 13-176.2 226 Merrimac Street, 2nd Reading
3. Sec 11-51, Dogs – Rules and Regulation, 2nd Reading
4. Sec 3 – 26 Animals Dogs Leash required Ordinance, 2nd reading

13. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. City Hall Revolving Fund *08/30/2010
2. Mayor Green Initiatives REV APPR (\$20,000) to Mayor-CHMM *11/29/2010
3. Mayor Cap. Improve Stab Fd to Gen Admin-Phone System (\$140,914.74) *03/14/2011
4. DPS-Water Undesignated Fund Balance to Capital Outlay- Water Tank Maint (\$450,000), to Water-Debt Principal (\$90,000), to Water-Debt Interest (\$4,162.50), to Water-Well Redevelopment (\$10,000) *04/11/2011
5. Harbor Chapter 4 Boats, Docks & Waterways – fees *04/11/2011

General Government

In Committee

1. Atmospheric Pollution Ordinance *02/08/2010
2. Proposed Special Act Water & Sewer Commission *01/10/2011

Joint Education

In Committee:

License & Permits

In Committee:

1. Letter from Agave re: serving alcoholic beverages weekend mornings *03/14/2011
2. Letter from Newburyport Farmers Market Sunday Pour Hours *03/29/2011

Neighborhoods & City Services

In Committee:

- | | |
|---|-------------|
| 1. Newburyport Tree Ordinance | *07/22/2010 |
| 2. Ltr from Mayor re: Dogs Off Leash with Ordin | *10/12/2010 |
| 3. Dogs Off-Leash Task Force with proposed Ordinance | *11/29/2010 |
| 4. Delete Ordinance entitled Traffic & Motor Vehicles Sec.13-30 | *02/28/2011 |

Planning & Development

In Committee:

- | | |
|---|-------------|
| 1. Residential Handicap Parking Ordinance | *01/11/2010 |
| 2. Atmospheric Pollution Ordinance | *02/08/2010 |
| 3. Green Communities Order | *03/29/2010 |
| 4. Zoning Ord – Sec II Definitions/Sec VI Dimensional Contr | *06/28/2010 |
| 5. Newburyport Tree Ordinance | *07/22/2010 |
| 6. Wetlands Replication & Restoration | *04/11/2011 |
| 7. Culvert Construction | *04/11/2011 |

Public Safety

In Committee:

- | | |
|---|-------------|
| 1. Residential Handicap Parking Ordinance | *01/11/2010 |
| 2. American Diabetes Assoc. Annual TourdeCure Sun. May 22, 2011 | *04/11/2011 |

Public Utilities Committee

In Committee:

- | | |
|--|-------------|
| 1. Proposed Special Act Water & Sewer Commission | *01/10/2011 |
|--|-------------|

Rules Committee

In Committee:

14. GOOD OF THE ORDER

15. ADJOURNMENT

CITY COUNCIL MEETING MINUTES
April 11, 2011

Council President O'Brien called the meeting to order at 7:32 pm and asked for a moment of silence followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Derrivan, Earls, Heartquist, Herzog, Hutcheson, Ives, Jones and O'Brien.

LATE FILE ITEMS – Transfer #7

Motion to waive the rules to accept the Late File items by Councillor Jones, seconded by Councillor Cameron. So voted on a unanimous voice vote.

PUBLIC COMMENT –

1. Andrew Flanagan, Director of Policy & Administration, Pakistan Officials
2. Mary Reilly, Conservation Administrator, Orders Wetland Replication & Restoration
3. Stephen Moore, 10 N. Atkinson St., Wetlands App
4. Jan Szuluk, 43 Middle St., Non-Leash
5. Andrew Port, Office of Planning & Development, Composting Facility & Landfill Closure
6. Barry Fogel, Quail Run Citizens, Leaf Dump Resolution
7. John Morris, 17 Chapel Street, Dog Park
8. Brenda Reffet, 3 Doe Run St., Leaf Dump
9. Bob Uhlig, 10 Ocean St., Dog Park
10. Molly Ettenboro, 35 Toppans Lane, Compost

CONSENT AGENDA

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1. APPROVAL OF MINUTES

March 29, 2011

(Approved)

2. TRANSFERS

1. Health Dept/Recycling Solid Waste Fee to Chipper Compost(\$10,000) (Approved)
2. Police Heat to Fuel/Oil (\$6,800) (Approved)
3. DPS-Highway RSV APPR-Insur. Claims to Maintenance Vehicle (\$1,052.22) (Approved)
4. Youth Services Substance Abuse Grant to Drug Free Comm. Grant (8,000) (Approved)

3. COMMUNICATIONS

1. The Purple Onion Outdoor Seating on Public Property Application (Approved)
2. Oregano Pizzeria Outdoor Seating for Food & Alcohol Application (Approved)
3. The Port Tavern Outdoor Seating for Food & Alcohol Application (Approved)
4. American Diabetes Assoc. Annual Tour de Cure May 22, 2011 (L&P)

Motion to remove from Consent Agenda by Councillor Earls.

4. APPOINTMENTS

Appointment

1. Howard R. Terrien 16B Toppans Lane Sewer Commission April 1, 2014

Motion to accept the Consent Agenda as amended by Councillor Jones, seconded by Councillor Cameron. So voted on a unanimous voice vote.

END OF CONSENT AGENDA

REGULAR AGENDA

5. TRANSFERS

5. Harbormaster Retained Earnings to Repair Floats/Docks (\$121,205.00)

Motion to approve by Councillor Connell, seconded by Councillor Derrivan. So voted on a unanimous vote.

6. Mayor Free Cash to Maintenance/Repair Building (\$6,300)

Motion to approve by Councillor Cameron, seconded by Councillor Connell. So voted on a unanimous vote.

7. LATE FILE – DPS-Water Undesignated Fund Balance to Capital Outlay- Water Tank Maint (\$450,000), to Water-Debt Principal (\$90,000), to Water-Debt Interest (\$4,162.50), to Water-Well Redevelopment (\$10,000)

Motion to refer to Budget & Finance by Councillor Cameron, seconded by Councillor Jones. 10 yes, 1 no (O'Brien).

6. COMMUNICATIONS

4. American Diabetes Assoc. Annual Tour de Cure May 22, 2011

Motion to refer to Public Safety by Councillor Earls, seconded by Councillor O'Connor Ives. So voted on a unanimous vote.

7. APPOINTMENTS

APPOINTMENTS - Second Reading

Re-Appointments

2. Andrew Casson 240 Merrimac Street Harbor Commission March 31, 2014

3. Brian Sullivan 195 High Street Board of Registrars March 31, 2014

Motion to approve collectively by Councillor Jones, seconded by Councillor Cameron. So voted on a unanimous vote.

Appointments

4. Steven D. Hines 54 Ferry Road Harbor Commission March 31, 2014

Motion to approve by Councillor Jones, seconded by Councillor Cronin. So voted on a unanimous vote.

6. ORDERS

1. Resolution Crow Lane Compost Facility

Tabled *03/29/2011

Motion to remove from table by Councillor Jones, seconded by Councillor Cameron, So voted on a unanimous vote.

Councillor Derrivan motioned to approve, seconded by Councillor Jones. 10 yes, 1 no (Earls) so voted.

2. Wetlands Replication & Restoration

Motion to refer Planning and Development by Councillor Cameron, seconded by Councillor Connell. So voted on a unanimous vote.

3. Culvert Construction

Motion to refer Planning and Development by Councillor Cameron, seconded by Councillor Connell. So voted on a unanimous vote.

7. ORDINANCES

1. Amend Section 13 – 180 Resident Parking 2nd reading

Motion to approve by Councillor Cronin, seconded by Councillor Jones. Roll call vote, 11 yes, so voted.

2. Animals Dogs Leash required Ordinance

Councillor Earls motioned to suspend the Council Rules and to allow the first reading, seconded by Councillor Hutcheson. 10 yes, 1 no (O'Brien) so voted. Councillor Earls motioned to approve and to order published seconded by Councillor Hutcheson. 6 yes, 5 no (Connell, Cronin, Derrivan, Hutcheson, O'Brien) so voted.

3. Harbor Chapter 4 Boats, Docks & Waterways

Motion to refer to Budget and Finance by Councillor Cronin, seconded by Councillor Cameron. 11 yes, so voted.

13. COMMITTEE ITEMS

Budget & Finance

In Committee:

- | | |
|--|--------------------|
| 1. City Hall Revolving Fund | *08/30/2010 |
| 2. Mayor Green Initiatives REV APPR (\$20,000) to Mayor-CHMM | *11/29/2010 |
| 3. City Auditors FY 2011 Mid-Year Budget Report | *01/24/2011 |
| 4. Mayor Cap. Improve Stab Fd to Gen Admin-Phone System (\$140,914.74) | *03/14/2011 |
| 5. Police Dept. Dispatcher Salaries to Dispatch Overtime (\$4,000) and Part-time dispatch (\$2,000) | *03/29/2011 |

Motion to remove by Councillor Cameron, seconded by Councillor O'Connor Ives.

Motion to approve by Councillor Cameron, seconded by Councillor O'Connor Ives. 11 yes, so voted.

- | | |
|--|--------------------|
| 6. Auditor Rsv App Ins. Claims to Rail Trail (\$5,750) and DPS Main Tree (\$566.50) | *03/29/2011 |
|--|--------------------|

Motion to remove by Councillor Cameron, seconded by Councillor Jones.

Motion to approve by Councillor Cameron, seconded by Councillor Jones. 11 yes, so voted.

- | | |
|--|--------------------|
| 7. Mayor/Treasurer Treasurer/Collector Salary to Assessor-Assessor Salary (\$1,450.31), Building-Commissioner Salary (\$1,450.31), Council on Aging-Director Salary (\$1,101.68) Health Dept.-Director Salary (\$1,400), IT-Director Salary (\$1,362.10), Treasure/Collector Salary (Adequate funding within line item), Planning-Director Salary (\$1,540), Veterans-Director Salary (\$797.46), Auditor-Auditor Salary (\$1,780.21) | *03/29/2011 |
|--|--------------------|

Motion to remove by Councillor Cameron, seconded by Councillor Herzog.

Motion to approve by Councillor Cronin, seconded by Councillor Herzog. 9 yes, 2 no (Cronin, Derrivan) so voted.

- | | |
|--|--------------------|
| 8. DPS-Water Operations Mgr Salary to Water Treatment Operator (\$1,477.18) | *03/29/2011 |
|--|--------------------|

9. DPS-Sewer Operations Mgr Salary to Sewer Chief Operator Salary (\$1,480.12) *03/29/2011

10. Harbormaster-Ass't Harbormaster's Salary to Harbormaster Salary (\$1,000) *03/29/2011

Motion to remove collectively 8, 9, 10 by Councillor Cameron, seconded by Councillor Jones.

Motion to approve by Councillor Cameron, seconded by Councillor Connell. 9 yes, 2 no (Cronin, Derrivan) so voted.

11. Youth Service to Asst-Kelley School Expenses (\$4900.00)

*03/29/2011

Motion to remove by Councillor Cameron, seconded by Councillor Herzog.

Motion to approve by Councillor Cameron, seconded by Councillor Herzog. 11 yes, so voted.

General Government

In Committee

1. Atmospheric Pollution Ordinance

*02/08/2010

2. Proposed Special Act Water & Sewer Commission

*01/10/2011

Joint Education

In Committee:

Councillor Hutcheson stated that there will be a meeting on April 12th at 7:00pm at the High School, Room 118.

License & Permits

1. Letter from Agave re: serving alcoholic beverages weekend mornings

*03/14/2011

2. Letter from Newburyport Farmers Market Sunday Pour Hours

*03/29/2011

3. Loretta Restaurant Outdoor Seating on Public Property

*03/29/2011

Motion to remove by Councillor Earls, seconded by Councillor Jones.

Motion to approve as amended by Councillor Earls, seconded by Councillor O'Connor Ives. 11 yes, so voted.

Neighborhoods & City Services

In Committee:

1. Newburyport Tree Ordinance

*07/22/2010

2. Ltr from Mayor re: Dogs Off Leash with Ordin

*10/12/2010

3. Dogs Off-Leash Task Force with proposed Ordinance

*11/29/2010

4. Parks & Recreation Recreation Areas Ordinance 11-51

*02/07/2011

Motion to remove from committee by Councillor Herzog, seconded by Councillor Heartquist. So voted.

Motion to approve first reading and order published by Councillor Herzog, seconded by Councillor

Heartquist. 7 yes, 4 no (Cronin, Derrivan, Hutcheson, O'Brien) so voted.

5. Delete Ordinance entitled Traffic & Motor Vehicles Sec.13-30

*02/28/2011

Planning & Development

In Committee:

1. Residential Handicap Parking Ordinance

*01/11/2010

2. Atmospheric Pollution Ordinance

*02/08/2010

3. Green Communities Order

*03/29/2010

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

*06/28/2010

5. Newburyport Tree Ordinance

*07/22/2010

6. Parking Advisory Committee

*02/28/2011

Motion to remove by Councillor Connell, seconded by Councillor Derrivan.

Motion to approve by Councillor Connell, seconded by Councillor Jones. 11 yes, so voted.

Public Safety

In Committee:

1. Residential Handicap Parking Ordinance *01/11/2010
2. Letter Jeanne Geiger Crisis Ctr 20th Annual Walk against Violence 10/16/11 *3/29/2011

Motion to remove by Councillor Cronin seconded by Councillor Derrivan.

Motion to approve by Councillor Cronin, seconded by Councillor Derrivan. 11 yes, so voted.

3. Nbpt Youth Services Kelley Carnival Market Square April 19, 2011 *03/29/2011

Motion to remove by Councillor Cronin seconded by Councillor Derrivan.

Motion to approve by Councillor Cronin, seconded by Councillor Derrivan. 11 yes, so voted.

Public Utilities Committee

In Committee:

1. Proposed Special Act Water & Sewer Commission *01/10/2011

Rules Committee

In Committee:

13. GOOD OF THE ORDER

Councillor Earls urged the City to move quickly on finding a new compost facility location.

Councillor Jones said the Mass. Dept. of Transportation has identified 14 bridges that will be re-done this summer.

14. ADJOURNMENT

Motion to adjourn by Councillor Derrivan, seconded by Councillor Cameron. 11 yes, so voted.

COMMUNICATIONS



Communication #1
April 25, 2011

CITY CLERK'S OFFICE
NEWBURYPORT, MA

2011 APR -7 P 4: 52

April 4, 2011

The Newburyport City Council
c/o City Clerk's Office
P.O. Box 550
60 Pleasant Street
Newburyport, MA 01950

Dear City Councilors:

The Newburyport Pioneer League, Inc. respectfully request a permit to conduct a "tag" day weekend on Saturday, June 4, 2011 and Sunday, June 5, 2011 for the purpose of soliciting donations to our Diamond Dreams project. The Diamond Dreams project is the name of our capital campaign to help raise funds to go toward the renovation of the "Pioneer fields" at the cities lower Atkinson Common.

The tag-day weekend will help greatly towards our goal of raising enough funds to purchase a new electronic scoreboard for Founders Field. On the following page is a listing of the store locations we plan to ask for permission to "tag" at pending the Council's approval. All children will be under adult supervision at all times.

We greatly appreciate your consideration of our request.

Sincerely,

A handwritten signature in black ink, appearing to read "CR Pantelis".

Constantine (Dino) Pantelis
President
The Newburyport Pioneer League, Inc.

Desired Store Tag Locations

**Shaws
Market Basket Kmart
Abrahams's Bagels
Dragons Nest
Leary's
Park Lunch (11:00 – 1:00)
Dunkin Donuts (Story, Plaza, traffic circle)
CVS
Richdale
7Eleven
Walgreens
Starbucks
Mobil on the Run
Panera Bread
Market Square
Farmer's Market**

Newburyport Pioneer League • PO Box 232 • Newburyport, MA 01950

www.thenewburyportpioneerleague.com

The Newburyport Pioneer League is a 501(c)(3) non-profit organization

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2011 APR 19 P 3:56

To City Clerk
Richard Jones

April 19, 2011.

Request for use of Bartlett Mall
Playground for 13th annual yard sale
to benefit Newburyport's Sister
City Bura, Kenya.

Organization: Greater Newburyport/Bura Alliance
(501(c)3)

Dates requested June, 4, 2011

Raindate June 11, 2011

Times 7am to 3pm

Requested by: Joanna Hammond
Member GNBA
Phone 978-270-3941

**CITY OF NEWBURYPORT
BARTLET MALL COMMISSION
APPLICATION FOR ONE DAY PARK USE**

To avoid conflicts, it is recommended you apply for use at least two months or more in advance of your activity. Applications will be processed by the Bartlet Mall Commission. Approved applications will be notified and issued permits in person or via mail and conflicting schedules or rejected applications will be notified by phone. Submit completed applications to :

City of Newburyport Parks Commission

P.O. Box 550

Newburyport, MA 01950

For questions, please contact Lisé Reid at

nportparkscommission@yahoo.com or 978-463-3545

Please complete all of the following information:

for playground location only -

1. Application Date: April 1, 2011

2. The undersigned makes application on behalf of Greater Newburyport/Bura Alliance
(Newburyport's Sister City - Bura, Kenya)

3. Non Profit Tax ID #: 22-465-6509

4. Date & Begin/End Times requested: June 4 7am-3pm rain date June 11 7am-3pm

5. Description of Activity: 15th Annual Yardsale at this location

6. Number of attendees: 100 +/-

7. Donation Amount: \$ -

8. Setup Plan Attached: Yes or No X 9. Signage Setup Requested: Yes or No

10. Copy of Certificate of Insurance Attached: Yes or No X Has never been required -

It is expressly understood and agreed that the Use Guidelines of the Bartlet Mall Commission, as well as Parks Commission Rules and Regulations (both attached herewith) are to be strictly complied with and that the undersigned shall execute a release and indemnity agreement when the permit is issued. Further, the undersigned hereby assumes full responsibility for any damages to, or loss of, City Property in consequence of such use of the Bartlet Mall, and engages to make the same good without any expense to the City. The undersigned also further agrees to promptly pay such charges as may be made for the accommodations requested.

APPLICANT INFORMATION:

Name, Organization: Joanna Hammond, Greater Newburyport/Bura Alliance

Address: GNBA: 150 Merrimac St., Newburyport MA 01950

Phone: 978-270-3941

Email: joannahammond@verizon.net

Joanna Hammond

Authorized Applicant Signature

For Bartlet Mall Commission Use

Date Reviewed

Approved

Rejected

Comments

*see attached approval
from Lisé Reid -
Parks Administrator*

Communication #3
April 25, 2011

NEWBURYPORT, MA

April 15, 2011

2011 APR 19 P 12:02

To Newburyport City Council

Dear Councilors:

We request permission to have a walk to raise awareness of ovarian cancer in Newburyport on Sunday, September 25, 2011. September is Ovarian Cancer Awareness and Prevention Month. The walk will be on the streets of Newburyport and a short section of the Rail Trail and will be held in memory of Jackie Poor who died from ovarian cancer on October 27, 2009.

We request a rain date of Sunday, October 2, 2011.

We are proposing, a 3 mile walk with a shorter option, 2 miles, for families. The walk will begin and end at Michael's Harborside Restaurant. Registration will begin at 10 AM.

Date: Sunday, September 25, 2011

Rain Date: Sunday, October 2, 2011.

Beginning Time: 10:30 AM (registration 10AM)

Walk Route: The 3 mile walk will leave Michael's at 11 AM and take the following route: Michael's to Merrimac Street to Water Street to Federal Street to Liberty Street to State Street to High Street to Broad Street. The route will cross Merrimac Street and go into Cashman Park and along the Rail Trail ending at Michael's Harborside where refreshments will be served.

The 2 mile family option will leave Michael's at 10:30 AM and take the following route: Michael's to Merrimac Street to Green Street to High Street to Broad Street. The route will cross Merrimac Street and go into Cashman Park and along the Rail Trail ending at Michael's Harborside where refreshments will be served.

End Time (estimate): 12:15 PM

Please let us know if you require any additional information.

Thank you.

Yours sincerely,

Elaine Carroll and Debra Green

Elaine Carroll, 18 Fair Street, Newburyport, 978.462.0367

Deb Green, Greetings by Design, 4A Winter Street, Newburyport, 978.225.6700

(almost) 3 mile walk

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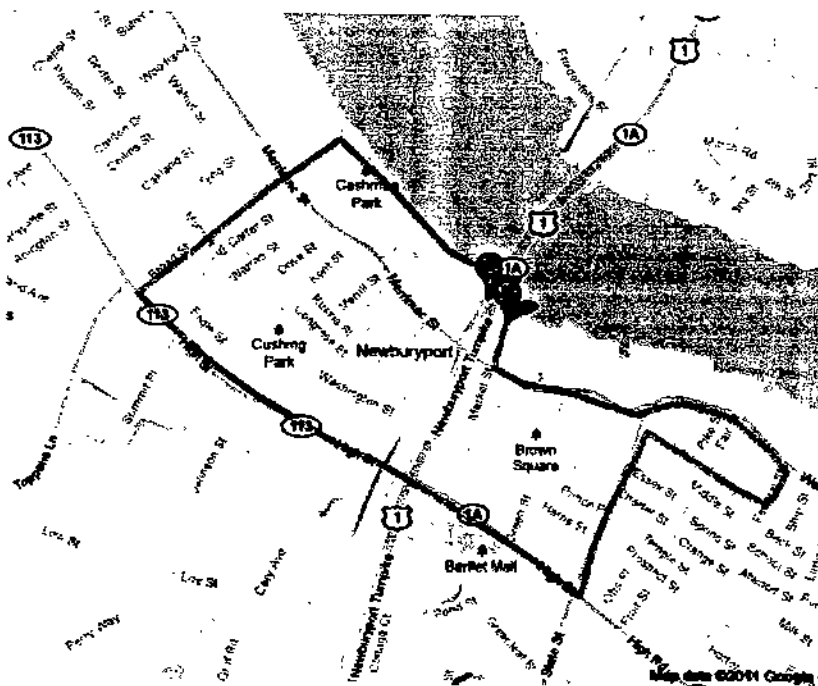
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Newburyport, MA, US

Zoom In



Total Distance: 2.832

miles

kilometers

Clear

Trail Finder



Search by Keyword

Enter Keyword

Select Location

All You Need
at Prices You Want

Get coupons on your favorite
products at Target.com »



Google Map Pedometer Instructions:

- **Moving the Map:** Move the map by using the directional arrow controls, or click and hold on the map to drag it.
- **Zoom to Your Location:** Use the + and - map controls to zoom in or out, or the use scroll wheel on your mouse.
- **Draw Your Route:** When you are where you want to be, begin clicking on the map to draw your route. Click once to determine your starting point, then click again at every turn (if your route contains turns), and once more to determine your endpoint.
- **Distance:** The total distance of your route is displayed in the field below the map. The radio button allows you to display the distance in either miles or kilometers.
- **Saving Your Route:** Click the Save button below the map. A URL containing a direct link to your route will appear over the map. Copy this link and save the link on your computer for future access, or to share your route with others.
- **To Reset:** Click on the Clear link below the map.

Outdoor Gear & Equipment

ALL NEW Trails Gear Store powered by:



Alpina ST 10 NNN Cross-Country Boots - Men's
\$9.93 (87% off, Normally \$79.00)

Browse all Touring Boots



Sugoi Rider Bike Jersey - Women's - '07 Closeout
\$9.93 (85% off, Normally \$65.00)

Browse all Women's Bike Jerseys

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2 mile walk

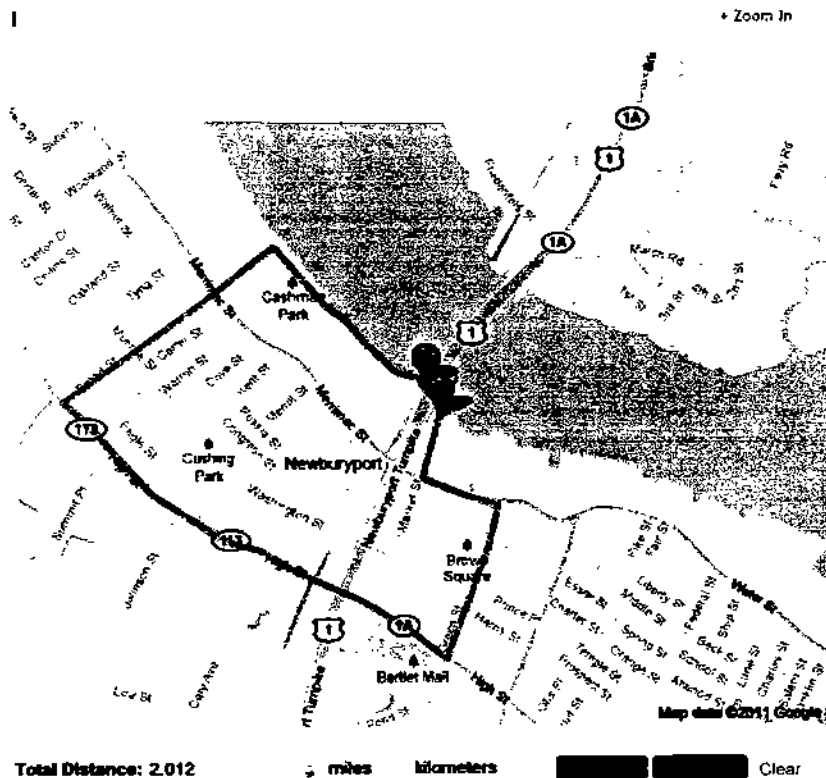
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G

I



Trail Finder



Search by Keyword

Enter Keyword

Select Location



Google Map Pedometer Instructions:

- **Moving the Map:** Move the map by using the directional arrow controls, or click and hold on the map to drag it.
- **Zoom to Your Location:** Use the + and - map controls to zoom in or out, or the use scroll wheel on your mouse.
- **Draw Your Route:** When you are where you want to be, begin clicking on the map to draw your route. Click once to determine your starting point, then click again at every turn (if your route contains turns), and once more to determine your endpoint.
- **Distance:** The total distance of your route is displayed in the field below the map. The radio button allows you to display the distance in either miles or kilometers.
- **Saving Your Route:** Click the Save button below the map. A URL, containing a direct link to your route will appear over the map. Copy this link and save the link on your computer for future access, or to share your route with others.
- **To Reset:** Click on the Clear link below the map.

Outdoor Gear & Equipment

ALL NEW Trails Gear Store powered by:



Alpina ST 10 NNN Cross-Country Boots - Men's
\$9.93 (87% off. Normally \$79.00)
★★★★★

Browse all Touring Boots



Sugoi Rider Bike Jersey - Women's - '07 Closeout
\$9.93 (85% off. Normally \$65.00)
★★★★★

Browse all Women's Bike Jerseys

**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

(978) 465-4402 (Fax)

Appointment #1
April 25, 2011

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Subject: Reappointment

Date: April 13, 2011

A handwritten signature in black ink, reading "Donna D. Holaday", is written over the "From:" line and extends into the "Subject:" and "Date:" lines.

I hereby reappoint, subject to your approval, the following named individual as a member of the Zoning Board of Appeals. This term will expire on February 1, 2014.

Duncan LaBay
4 Ferry Road
Newburyport, MA 01950

END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

**APPOINTMENTS
SECOND READING**

**Appointment #2
Second Reading
April 25, 2011**

**MAYOR'S APPOINTMENTS
SECOND READING
April 11, 2011**

APPOINTMENTS - Second Reading

1. Howard R. Terrien 16B Toppans Lane Sewer Commission April 1, 2014

In City Council April 11, 2011:

Motion to accept the Consent Agenda as amended by Councillor Jones, seconded by Councillor Cameron. So voted on a unanimous voice vote.

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

April 14, 2011

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

**Grasso Construction Company, Inc.
865 Turnpike Street
North Andover, MA 01845**

Paperwork on file in the City Clerk's office.

**Kathleen O'Connor Ives
Public Utilities Chairperson**

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

April 25, 2011

WHEREAS, the Newburyport City Council on August 14, 2000 and September 25, 2006 pursuant to Chapter 103 of the Acts of 2003, appropriated funds for the purpose of constructing and installing a municipal water system and a common sewer system within the Plum Island Service Area with the City of Newburyport, and

WHEREAS, the Newburyport City Council on May 9, 2007, voted to assess one hundred percent of the cost to the City of Newburyport of the aforementioned water and sewer systems by betterment assessment upon those who obtained immediate benefit by a rate based upon the uniform method, and

WHEREAS, notices were sent to owners of land listed on a schedule indicating the amount of each betterment, and one owner, Cornelius J McCarthy and Alice M McCarthy, whose property is vacant land with a size of 7750 square feet and located at 33 55th Street, Plum Island, Map 76, Lot 334, did receive said notice and did pay a certain amount of the betterment fee above described, and

WHEREAS, it was subsequently realized that said land was not legally available to be built upon and therefore not correctly assessed a betterment fee.

NOW, THEREFORE, it is hereby ordered that said betterment fee be abated upon said land from this day forward.

Councillor Barry N. Connell

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

April 25, 2011

RESOLUTION

Whereas: Newburyport citizens are served every day by public servants at all levels of government. These unsung heroes do the work that keep our nation and city working; and

Whereas: Public servants throughout the city include teachers, nurses, laborers, librarians, public safety officers, computer technicians, health care professionals, and many other occupations. These employees provide the services demanded by citizens with efficiency and integrity; and

Whereas: Without these public servants throughout the city, continuity of government would be impossible in a democracy that regularly changes its leaders and elected officials; and

Now, Therefore, Be It Resolved that the Newburyport City Council hereby proclaims to all citizens that May 1 – 7, 2011 is Public Service Recognition Week. This is in accordance with an annual designation by the President and Congress. All citizens are encouraged to recognize the accomplishments and contributions of government employees at all levels – federal, state, county, and city.

Councillor Ari B. Herzog

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

April 25, 2011

THAT the City Council of the City of Newburyport hereby approves the placement of the Planet Aid clothing donation box to be placed at the West End Fire Station located at 153 Storey Avenue. Said box shall be placed on the property pursuant to the direction of the Fire Chief. Planet Aid will give 2 cents for every pound of clothing collected to the Jeanne Geiger Crisis Center.

Councillor Greg Earls

Dear Council President,

Planet Aid was presented to the board last month and was denied, we would like to be presented again. I will make this brief.

What has changed is that we will give .02 of every pound of clothing collected at the Storey Ave Fire Station to the Jeanne Geiger Crisis Center. I have enclosed a little information on them if you are not familiar with them. They help in 9 different local communities and are located right in Newburyport on Harris St.

My contact person over at the crisis center is Liz Morin (978)465-0999

lmorin@jeannegeigercrisiscenter.org.

Everything else remains the same from the last proposal. We hope that we meet all the criteria and can place the donation bins as soon as possible. I believe this complete the circle:

- 1) We will be providing a free service to the local community by recycling the textiles while saving the town money.
- 2) We will be able to use part of the money raised from the clothes collection to continue our aid globally.
- 3) We will also be able to use part of the money raised from the clothes collection to help in 9 local communities.

We really do wish you would reconsider and vote yes to allow us to place the clothing donation bins at the Storey Ave Fire station, or any other town property you would like.

Thank you again for your time and thoughtful consideration.

Maryann Vespa

Planet Aid

411 E. G. St. Charity

Empowering Communities,

Environmental Stewardship &

Empowering People to Make a Difference!

24 Hour Hotline: 978 388 1888**JEANNE GEIGER
CRISIS CENTER, INC.***saving lives • creating safer communities • ending domestic violence***[Get Help](#) [Programs & Services](#) [Get Involved](#) [Donate](#) [Training](#) [About Us](#) [Shop](#)**

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About Us**Mission**

To empower members of our community to live free from fear, intimidation, violence or the threat of abuse by providing support, advocacy and education.

Vision

The Jeanne Geiger Crisis Center envisions a culture in which domestic violence and abusive behavior are not tolerated.

What We Do

The Jeanne Geiger Crisis Center recognizes that leaving an abusive relationship is a process. Our services are designed to help victims through the process, from helplessness to hopefulness.

Our services include:

- A confidential 24-hour crisis hotline
- One-on-one counseling
- Support groups with childcare
- Help obtaining restraining orders
- Legal and court advocacy
- Emergency shelter
- Children's counseling and support groups
- Teen dating violence education
- Community outreach and education
- High Risk Response Teams - collaborations with local police departments
- Legal representation by staff or pro bono attorneys
- Customized training and curriculum development
- Referral and information

[Home](#) [Site Map](#) [Get Our E-Newsletter](#) [Contact Us](#) [Log On](#)

1000 Market Street, Suite 200, Newburyport, MA 01950 • (978) 465-0999 • 5 Market Square, Amesbury, MA 01913 • (978) 834-9710

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CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. Box 550

NEWBURYPORT, MA 01950

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

Order #5
April 25, 2011

Newburyport City Council
c/o Richard Jones, City Clerk
60 Pleasant St.
Newburyport, MA 01950

April 14, 2011

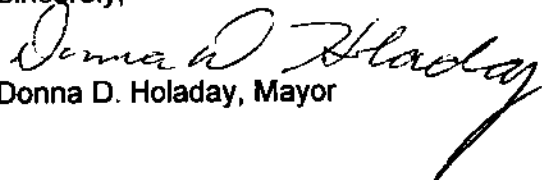
Dear Mr. Jones:

This letter is to inform you that I can not support the City Council's Resolution of April 11, 2011 regarding the Crow Lane Compost Facility as written. I fully understand the concerns of the City Council and the surrounding neighbors who have been very vocal in demanding the site be shut down. That is our goal and no composting will occur on the site. However, we need a transfer station until a new compost site is ready and as the resolution includes both a compost and transfer site, I can not support this additional restriction. We are actively engaged in plans to move the site closer to Crow Lane and are working with our Board of Health and Department of Environmental Protection. My concern is the site may not be complete by December and we may need more time.

I would appreciate the modification of the resolution to focus only on composting, which is the primary issue here.

Thank you

Sincerely,


Donna D. Holaday, Mayor

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2011 APR 14 P 4:15

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

March 29, 2011

RESOLUTION

Whereas the Newburyport City Council adopted a Resolution on January 10, 2011 recognizing the importance of residential compost services, and supporting the relocation of the current Crow Lane Compost Facility, as well as the discontinuance of active composting at this site; and

Whereas the Newburyport City Council supports limited operations at the current Crow Lane Compost Facility during 2011 for the collection and transfer of leaves and yard waste, without active composting, pursuant to a revised operating plan adopted by the Newburyport Board of Health declaring 2011 as the final operating year of the facility at its current location;

Now, Therefore, Be It Resolved that the Newburyport City Council hereby declares that the current location of the Crow Lane Compost Facility shall not operate as an active compost site or a transfer station for leaves, yard waste, or other organic material beyond December 31, 2011.


Councillor Brian Derrivan


Councillor Kathleen O'Connor Ives

In City Council March 29, 2011

Councillor Derrivan motioned to approve as amended, seconded by Councillor Ives.
Motion to Table until April 25th by Councillor Cronin, seconded by Councillor Earls, ruled out of order.
Councillor Earls motioned to Table, seconded by Councillor Connell. So voted on a unanimous vote.

In City Council April 11, 2011

Motion to remove from table by Councillor Jones, seconded by Councillor Cameron, So voted on a unanimous vote.
Councillor Derrivan motioned to approve, seconded by Councillor Jones. 10 yes, 1 no (Earls) so voted.

ORDINANCES

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

April 25, 2011

**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 Schedule
Division 4 Stop Intersections

Section 13-136 Designated

The following street is designated as a stop intersection and vehicles traveling thereon shall come to a complete stop before entering such intersection.

Street
Plummer Spring Road

Stop Intersection
Traveling in an easterly direction at the
intersection of Turkey Hill Road

Councillor Brian Derrivan

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:
February 28, 2011

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 4	Stop Intersections

Add:

New Section 13-176.2 Same--Fifteen Minutes

No person shall park a vehicle for longer than fifteen (15) minutes in the following described streets or parts thereof:

Street	Extent
Merrimac	One space on the north side directly in front of 226 Merrimac Street

Sponsor Councillor Robert J. Cronin

In City Council February 28, 2011:

Councillor Cronin moved to refer to Public Safety seconded by Councillor Jones. So voted on a unanimous voice vote, 4 absent (Derrivan, Earls, Hutcheson, O'Brien).

In City Council March 14, 2011:

Councillor Cronin moved to remove from Public Safety seconded by Councillor Jones. So voted on a unanimous voice vote, 2 absent (Derrivan, Earls).

Councillor Cronin moved to approve seconded by Councillor Jones. Roll call vote 9 yes, 2 absent (Derrivan, Earls), so voted.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

February 7, 2011

**AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
PARKS AND RECREATION**

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

Chapter 11	Parks and Recreation
Article 3	Recreation Areas
Section 11-51	Rules and Regulations

Delete: (1)

Add:

Dogs must be leashed and animal waste cleaned up and disposed of pursuant to chapter 3, article 2 of the Code of Ordinances; provided, however, that pursuant to sections 3-26(d) and 3-26(e) of article 2, dogs are allowed off leash at Cashman Park, Moseley Woods, Bartlett Mall, and March's Hill, subject to both the exclusions and restrictions, off leash hours and seasonal restrictions in the "Table of Designated Off Leash Areas" and the "Rules" as set forth in sections 3-26(d) and 3-26(e) of article 2, respectively.

Councillor Ari B. Herzog

In City Council April 11, 2011

Motion to remove from committee by Councillor Herzog, seconded by Councillor Heartquist. So voted.
Motion to approve first reading and order published by Councillor Herzog, seconded by Councillor Heartquist. 7 yes, 4 no (Cronin, Derrivan, Hutcheson, O'Brien), so voted.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

April 11, 2011

**AN ORDINANCE ENTITLED AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED
ANIMALS**

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

Chapter 3	Animals
Article 2	Dogs
Section 3-26	Leash required

Add:

(d) Notwithstanding the provisions of subsection (a), for the seven (7) months following the effective date of this subsection, dogs are allowed off leash at Cashman Park, Moseley Woods, and March's Hill, subject to the exclusions and restrictions, off leash hours, and seasonal restrictions set forth in the following Table of Designated Off Leash Areas and subject to the Rules set forth in subsection (e), respectively, below.

Table of Designated Off Leash Areas			
Designated off leash area	Exclusions and restrictions	Off leash hours	Seasonal restrictions
Cashman Park	Excluding: playground, basketball court, tennis court, baseball field & soccer field and walkways	7:30 a.m. - 9:00 a.m. and 4:00 p.m. - 7:00 p.m.	Year round
Moseley Woods	Excluding: playground, pavilion & picnic areas	7:30 a.m. - 10:30 a.m. and 4:00 p.m. - 7:00 p.m.	Year round

March's Hill	Excluding: basketball court	7:30 a.m. - 10:30 a.m. and 4:00 p.m. - 7:00 p.m.	No off leash dogs allowed at times when children are sledding
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(e) The following Rules apply to the use of Designated Off Leash Areas:

Owners, per the below Rules, define persons with direct care, custody, and control of a dog while in a designated off leash area.

- (1) Dogs must be licensed and vaccinated as required by applicable law and ordinance (this is the case for both leashed and off leash dogs) and have no contagious conditions, diseases or parasites.
- (2) Dogs must be leashed when entering and when exiting a designated off leash area.
- (3) Dogs with a history of dangerous or aggressive behavior, e.g. history of dog fights or aggression toward people as determined by the Animal Control Officer, are prohibited from designated off leash areas during designated off leash times.
- (4) Dogs younger than four months of age are not allowed off leash as all inoculations are incomplete at this age.
- (5) Intact unleashed male dogs must be supervised closely and immediately removed or leashed if interfering with other dogs.
- (6) Female dogs in season/heat are not allowed off leash in designated off leash areas.
- (7) Owners must immediately remove from designated off leash areas dogs who are exhibiting aggressive behavior towards people, other dogs or wildlife.
- (8) While in designated off leash areas, owners must remain with and monitor their dogs.
- (9) Owners must carry a leash, one leash per dog is required.
- (10) Owners must have in their possession an adequate number of bags, or other appropriate device, e.g. a pooper scooper, in their possession for removal of their dogs' waste.
- (11) Owners must clean up after their dogs, owners who fail to do so are subject to a fine in accordance with applicable law and ordinances. This is the case for both leashed and off leash dogs.
- (12) No digging is allowed. Owners must fill in any holes dug by their dogs.
- (13) No owner shall have more than two unleashed dogs in a designated off leash area at any one time.
- (14) Off leash dogs are not allowed in playgrounds, tennis courts, basketball courts and athletic fields.
- (15) Owners in violation of above Rules shall be subject to a fine of fifty dollars (\$50.00).

Councillor Ari B. Herzog

In City Council April 11, 2011:

Councillor Earls motioned to suspend the Council Rules and to allow the first reading, seconded by Councillor Hutcheson. 10 yes, 1 no (O'Brien) so voted. Councillor Earls motioned to approve and to order published seconded by Councillor Hutcheson. 6 yes, 5 no (Connell, Cronin, Derrivan, Hutcheson, O'Brien) so voted.