

CITY COUNCIL MEETING
AGENDA - VERSION 1
May 9, 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 25, 2011

(Approve)

7. TRANSFERS

1. Veterans' Free Cash (\$23,000) to Veterans' Benefits (\$23,000) (B&F)
2. Health Salary Administrative Asst (\$2,850) to Compost Att'd (\$900), Training Travel Conference (\$850), Misc. Expense (\$1,100) (Approve)
3. Mayor Treasurer Staff Salaries(\$10,000) to Mayor Gen Admin - Ed Credit (\$10,000) (B&F)
4. Mayor Asst. Treasurer Salary (\$6,825) to Mayor Gen Admin - Ed Credit (\$6,824) (B&F)
5. DPS-Sewer Retained Earnings (\$61,408.15) to Sewer Low St. Judgement (\$61,408.15) (B&F)
6. Harbormaster-Longevity (\$450) to Telecommunications (\$450), from Add'l Equipment (\$2,500) to Fuel/Oil Vehicles (\$2,500) (Approve)
7. DPS-Highway Division Labor (\$7,200) to Summer Help (\$7,200) (Approve)
8. DPS-Water Operations Manager (\$7,914.02) to City Engineer (\$1,544.24), Water Distribution Supervisor (\$2,207.28), FICA Expense (\$4,162.50) (B&F)

8. COMMUNICATIONS

1. Chamber of Commerce Oktoberfest date change to Oct. 15, 2011 at Bartlett Mall (Approve)
2. James Noyes, Taffy's Restaurant 88 State St, Outdoor Seating Application (L & P)
3. Mark Tramontana, Upper Crust Pizzeria 44 State St. Outdoor Seating Application (L & P)
4. Letter from residents of 53rd-56th Streets re: closure of beach right of way (R&F)
5. Sharon Cassily, Warren St. Block Party June 18, 2011 (Approve)

9. APPOINTMENTS

Re-Appointment

1. Alan Papert	174 State St, Unit 4	Youth Commission	May 31, 2014
2. Frances Reslewic	12 Chase Street	Council on Aging	May 1, 2016
3. Charles Carroll	25 Hill Street	Council on Aging	May 1, 2016
4. Richard J. O'Brien	41 Olive Street	Trust Fund Commission	April 1, 2014

Appointment

1. Ellen Hanick	9 Hallisey Drive	Bartlett Mall Commission	May 31, 2014
2. Jean L. Berger	33 Middle Street	Street Tree Committee	

END OF CONSENT AGENDA

REGULAR AGENDA

10. ORDERS

1. Proposed Charter on Ballot for November 8, 2011 Municipal Election
2. Campaign Finance Reports-Municipal Forms posting on City Website
3. Union Contract posting on City Website
4. Acceptance MGL c.138 § 33B Alcohol Sales on Sunday

11. ORDINANCES

1. Amend Sec. 13-86 Water St. (25mph) State to Federal

12. 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. 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. McCarthy Betterment Abatement Order | *04/25/2011 |

Public Safety

In Committee:

- | | |
|----------------------------------------------|-------------|
| 1. Residential Handicap Parking Ordinance | *01/11/2010 |
| 2. Sec 13-136 Stop Sign, Plummer Spring Road | *04/25/2011 |

Public Utilities Committee

In Committee:

- | | |
|--------------------------------------------------|-------------|
| 1. Proposed Special Act Water & Sewer Commission | *01/10/2011 |
| 2. McCarthy Betterment Abatement Order | *04/25/2011 |

Rules Committee

In Committee:

13. GOOD OF THE ORDER

14. ADJOURNMENT

CONSENT AGENDA-BEGINNING

CITY COUNCIL MEETING MINUTES
April 25, 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 – None

PUBLIC COMMENT –

1. Debra Green, 4A Winter Street, Ovarian Cancer Walk
 2. Elaine Carroll, 18 Fair Street, Ovarian Cancer Walk
 3. Kim Kudym, 44 Hale Street, Off-Leash Proposal
 4. Steve Sawyer, 15 Collins, Off-Leash Proposal
 5. Susan Crawford, 54 Temple Street, Off-Leash Proposal
-

CONSENT AGENDA

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1. APPROVAL OF MINUTES

April 11, 2011

(Approved)

2. TRANSFERS

1. NONE

3. COMMUNICATIONS

1. Pioneer League, Inc. "tag" day weekend, June 4-5, 2011

Motion to remove from Consent Agenda by Councillor Earls.

2. Use of Bartlett Mall, Bura Alliance 13th Annual Yard Sale, June 4, 2011 (Approved)
3. Ovarian Cancer Awareness Walk, Sept 25, 2011 (PS)

4. APPOINTMENTS

Re-Appointment

- | | | |
|-----------------|--------------|-------------------------|
| 1. Duncan LaBay | 4 Ferry Road | Zoning Board of Appeals |
| | | February 1, 2014 |

END OF CONSENT AGENDA

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

REGULAR AGENDA

5. APPOINTMENTS

Second Reading

Appointments

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

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

6. COMMUNICATIONS

1. Pioneer League, Inc. "tag" day weekend, June 4-5, 2011

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

6. ORDERS

1. Drain Layer/Utility Contractor Grasso Construction

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

2. McCarthy Betterment Abatement Order

Motion to refer to Planning & Development by Councillor Connell, seconded by Councillor Derrivan.

Motion to amend to refer to Public Utilities and Planning & Development by Councillor O'Connor Ives, seconded by Councillor Connell. So voted on a unanimous voice vote.

3. Resolution, Public Service Recognition Week

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

4. Planet Aid Placement

Motion to amend by adding "the period of one year" by Councillor Earls, seconded by Councillor Cameron. Motion to approve as amended by Councillor Earls, seconded by Councillor Cameron. 10 yes, 1 no (Councillor O'Connor Ives). So voted.

5. Compost Facility Resolution, Veto Attached

Motion to amend by changing the date to May 31, 2012 by Councillor Derrivan, seconded by Councillor O'Connor Ives. Motion to approve as amended by Councillor Derrivan, seconded by Councillor O'Connor Ives. 9 yes, 2 no (Earls, Herzog). So voted.

7. ORDINANCES

1. Sec 13-136 Stop Sign, Plummer Spring Road

Motion to refer to Public Safety by Councillor Derrivan, seconded by Councillor Jones. So voted on a unanimous voice vote.

2. Sec 13-176.2 226 Merrimac Street, 2nd Reading

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

3. Sec 11-51, Dogs – Rules and Regulation, 2nd Reading

Motion to approve by Councillor Jones, seconded by Councillor Earls. 6 yes, 5 no (Connell, Cronin, Derrivan, Hutcheson, O'Brien). So voted.

4. Sec 3 – 26 Animals Dogs Leash required Ordinance, 2nd reading

Motion to approve by Councillor Earls, seconded by Councillor Cameron. 6 yes, 5 no (Connell, Cronin, Derrivan, Hutcheson, O'Brien). 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. 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

Motion to remove 2 and 3 collectively by Councillor Herzog, seconded by Councillor Earls. So voted.

Motion to Receive and File by Councillor Herzog, seconded by Councillor Earls. So voted on a unanimous voice vote.

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

Motion to remove 6 and 7 collectively by Councillor Connell, seconded by Councillor Derrivan.
Motion to amend Wetlands Replication & Restoration by adding new paragraph under section 7 (Conduct of Licensee) by Councillor Connell, seconded by Councillor Earls. 8 yes, 3 no (Derrivan, Hutcheson, Jones).

Motion to approve License to Replicate Wetlands by Councillor Connell, seconded by Councillor Earls. 4 yes (Cameron, Connell, Heartquist, Herzog) 7 no. Motion failed.

Motion to amend Culvert Construction to insert sentence by Councillor Connell, seconded by Councillor Herzog. 9 yes, 2 no (O'Brien, Cronin).

Motion to approve License for Culvert Construction as amended by Councillor Connell, seconded by Councillor Herzog. 4 yes (Cameron, Connell, Heartquist, Herzog), 7 no. Motion failed.

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 |

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

Motion to approve by Councillor Cronin, seconded by Councillor Earls. 11 yes. So voted.

Public Utilities Committee

In Committee:

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

Rules Committee

In Committee:

14. GOOD OF THE ORDER

Councillor Cronin commended the new website for members of the Coast Guard stationed in Newburyport.

15. ADJOURNMENT

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

TRANSFERS



City of Newburyport
FY 2011
BUDGET TRANSFER REQUEST

Transfer #1
May 9, 2011

2011 MAY -3 A 9:29

Department: Veterans

Submitted by: Kevin Hunt, Agent

Date Submitted: 5/2/2011

Transfer From:

Account Name	Free Cash	YTD Bal:	\$ 813,800.00
Account Number:	01-35900	Trans In:	\$ -
Amount:	\$23,000.00	Trans Out:	\$ 339,268.15
Why are Funds Available:	<i>Funds are available for any legal purpose with the approval of the Mayor and a majority vote of the City Council.</i>		

Transfer To:

Account Name	Veterans' Benefits	YTD Bal:	\$ 19,885.93
Account Number:	0154300757700	Trans In:	\$ 83,500.00
Amount:	\$23,000.00	Trans Out:	\$ -
Why are Funds Required:	<i>We will not have enough in the account to finish the fiscal year.</i>		
<i>The number of veterans qualifying for assistance is higher than expected. The City will receive a 75% reimbursement from the State for financial assistance provided to veterans.</i>			

Transfer To:

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

Transfer To:

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

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

Donna D. Holaday
William B. Squillace

Date: 5/2/11
Date: 5/2/11



City of Newburyport
FY 2011
BUDGET TRANSFER REQUEST

Transfer #2
May 9, 2011

2011 MAY -3 A 8:29

Department: Health

Submitted by: Robert F. Bracey, Director

Date Submitted: 4/15/2011

Transfer From:

Account Name	Salary Administrative Assitant	YTD Bal:	\$	13,188.00
Account Number:	01510001-51103	Trans In:	\$	-
Amount:	\$2,850.00	Trans Out:	\$	-
Why are Funds Available:	Position has been vacant for three months due to a retirement. A projected surplus \$5268 in that account is anticipated.			

Transfer To:

Account Name	Compost Attendant	YTD Bal:	\$	3,862.96
Account Number:	01510001-51168	Trans In:	\$	-
Amount:	\$900.00	Trans Out:	\$	-
Why are Funds Required:	To cover payroll costs for compost attendants. Current YTD balance will be exceeded by \$900.00. Fall and Winter storms required the compost facility to remain open during a longer period of time.			

Transfer To:

Account Name	Training Travel Conference	YTD Bal:	\$	139.00
Account Number:	01510002-53204	Trans In:	\$	-
Amount:	\$ 850.00	Trans Out:	\$	-
Why are Funds Required:	Line item is used to cover Health Directors vehicle stipend and milage per teamsters department head contract. Increased was not anticipated at the beginning of the fiscal year.			

Transfer To:

Account Name	Micellaneous Expense	YTD Bal:	\$	111.00
Account Number:	01510004-44200	Trans In:	\$	-
Amount:	\$ 1,100.00	Trans Out:	\$	-
Why are Funds Required:	Cover Health department cost for office supplies, inspection forms, ink toner, copier mantinence, and business cards.			

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

Donna D. Holaday
William B. Squillace

Date: 5/12/11
Date: 5/12/11



City of Newburyport
FY 2011
BUDGET TRANSFER REQUEST

Transfer #3
May 9, 2011

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2011 MAY -3 A 8:28

Department: Mayor

Submitted by: Mayor Holaday

Date Submitted: 5/2/2011

Transfer From:

Account Name	Treasurer Staff Salaries	YTD Bal:	\$	49,856.13
Account Number:	01145001-51102	Trans In:	\$	-
Amount:	\$10,000.00	Trans Out:	\$	7,695.53
Why are Funds Available:	Unfilled positions and reduced staffing costs will result in available funds at year -end.			

Transfer To:

Account Name	Gen Administration - Education Credit	YTD Bal:	\$	-
Account Number:	01121007-57407	Trans In:	\$	-
Amount:	\$10,000	Trans Out:	\$	-
Why are Funds Required:	Based on the AFSCME contract, employees who earn college degrees are eligible for an educational credit. See attached			

Transfer To:

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

Transfer To:

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

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

Donna D. Holaday
William B. Squillace

Date: 5/2/11
Date: 5/2/11



City of Newburyport
FY 2011
BUDGET TRANSFER REQUEST

Transfer #4
May 9, 2011

CITY CLERK'S OFFICE
CITY OF NEWBURYPORT, MA

2011 MAY -3 A 8:28

Department: Mayor

Submitted by: Mayor Holaday

Date Submitted: 5/2/2011

Transfer From:

Account Name	Asst. Treasurer Salary	YTD Bal:	\$	18,241.17
Account Number:	01145001-51102	Trans In:	\$	-
Amount:	\$6,825.00	Trans Out:	\$	-
Why are Funds Available:	Unfilled positions and reduced staffing costs will result in available funds			
at year -end.				

Transfer To:

Account Name	Gen Administration - Education Credit	YTD Bal:	\$	-
Account Number:	01121007-57407	Trans In:	\$	-
Amount:	\$6,825	Trans Out:	\$	-
Why are Funds Required:	Based on the AFSCME contract, employees who earn college degrees are eligible for an educational credit. See attached			

Transfer To:

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

Transfer To:

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

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

Donna D. Holaday
William B. Squillace

Date: 5/2/11

Date: 5/1/11

RECEIVED
TOWN CLERK'S OFFICE
NEWBURYPORT, MA

2011 MAY -3 A 8:28

Name	Degree	Institution	Date	Department	AFSCME Credit
Cronin, Dale	A.A.	Essex Agricultural and Technical Institute	6/1/1979	DPS	\$425.00
Childs, Donna	A.A.	Northern Essex Community College	6/8/1974	Library	\$425.00
Bunker, Andrea	B.A.	University of Rhode Island	9/10/2002	Library	\$700.00
Kaminski, Ellen	B.A.	Hampshire College	6/2/1974	Library	\$700.00
Marks, Lynn	B.A.	Boston University	5/20/1979	Library	\$700.00
Oxton, Diane	B.A.	New England College	5/24/1981	Library	\$700.00
Pendak, Elizabeth	B.A.	Memnick College	5/21/1995	Library	\$700.00
Straw, Joan	B.A.	Arkansas State University	5/11/1973	Library	\$700.00
Bennet, Melanie	B.S.	University of Massachusetts, Amherst	5/27/1972	Library	\$700.00
Seery, Elizabeth	B.S.	Virginia Polytechnic and State University	6/14/1986	Library	\$700.00
Senior, Joyce	B.S.	University of Massachusetts, Amherst	5/30/1982	Library	\$700.00
Butler, Kimberly	M.S.	University of Rhode Island	8/25/2006	Library	\$800.00
Champi, Virginia	M.S.	Simmons College	10/18/1976	Library	\$800.00
Gill, Jessica	M.S.	Simmons College	5/1/1990	Library	\$800.00
LeMuth, Jane	M.S.	University of New Hampshire	9/12/2005	Library	\$800.00
Moser, Sarah	M.S.	Simmons College	1/23/2009	Library	\$800.00
Tremblay, Daniel	M.S.	Long Island University	5/16/2008	Library	\$800.00
Plouff, Timothy	A.A.	Northern Essex Community College	8/31/1996	Police	\$425.00
Solazzo, Judith	A.A.	Northern Essex Community College	5/20/2000	Police	\$425.00
Solazzo, Anthony	B.S.	Colby-Sawyer College	5/15/2004	Police	\$700.00
West, Amy	B.S.	University of Massachusetts, Lowell	6/3/2007	Police	\$700.00
DeMeo, Robert	M.A.	University of Massachusetts, Lowell	10/15/2008	Police	\$800.00
Moore, James*	A.A.	North Shore Community College	6/2/1995	Sewer	\$425.00
McFarland, Scott	B.S.	University of Massachusetts, Boston	12/30/1993	Water	\$700.00
Eppa, Diane	BS	University of Massachusetts Lowell	10/15/2003	Planning & Development	\$700.00

* no transcript, copy of diploma

Total

\$16,825.00



City of Newburyport
FY 2011
BUDGET TRANSFER REQUEST

Transfer #5
May 9, 2011

RECEIVED
CLERK'S OFFICE
CITY OF NEWBURYPORT, MA

2011 MAY -3 A 8:28

Department: DPS -SEWER

Submitted by: Tony Furnari, Director

Date Submitted: 5/2/2011

Transfer From:

Account Name	<u>Sewer - Retained Earnings</u>	YTD Bal:	\$	<u>917,943.00</u>
Account Number:	<u>61-35900</u>	Trans In:	\$	<u>-</u>
Amount:	<u>\$61,408.15</u>	Trans Out:	\$	<u>5,814.00</u>
Why are Funds Available:	<u>Surplus funds from FY 2010 are available for expenditure with the approval of the Mayor and a majority vote of the City Council.</u>			

Transfer To:

Account Name	<u>Sewer - Low St Judgement</u>	YTD Bal:	\$	<u>-</u>
Account Number:	<u>61440007-57607</u>	Trans In:	\$	<u>-</u>
Amount:	<u>\$61,408.15</u>	Trans Out:	\$	<u>-</u>
Why are Funds Required:	<u>See attached.</u>			

Transfer To:

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

Transfer To:

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

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

Donna D. Holaday
William B. Squillace

Date: 5/12/11
Date: 5/12/11

COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss.

RECEIVED
CLERK'S OFFICE
DEC 10 2010
TRIAL COURT OF THE COMMONWEALTH
SUPERIOR COURT DEPARTMENT
CIVIL ACTION NUMBER: ESCV2007-00136A

JANE EDGAR NOCERA, et al.)
Plaintiffs,)
v.)
THOMAS E. JONES, et al.)
Defendants.)

FILED
IN THE SUPERIOR COURT
FOR THE COUNTY OF ESSEX

DEC - 7 2010

Thomas A. Doherty
CLERK

AGREEMENT FOR JUDGMENT

The parties to the above-captioned Action, by and through their attorneys, stipulate and agree that the following judgment be entered on the docket:

1. The Low Street Betterment charged against the real property of each plaintiff in the amount of \$3,626.89 is abated to \$1,192.89.
2. Within thirty (30) days hereafter, the defendants shall pay to the plaintiffs the sum of \$61,408.15 representing a reimbursement for overpayments made by the plaintiffs as to the Low Street Betterment. This reimbursement shall be made payable to MacLean Holloway Doherty Ardoff & Morse, P.C. Client's Trust Fund.
3. Within thirty (30) days hereafter, the defendants shall provide each plaintiff with a release of lien certificate in recordable form as to the Low Street Betterment. These certificates shall be delivered to MacLean Holloway Doherty Ardoff & Morse, P.C. to the attention of Robert Holloway, Jr.
4. Except as provided above, the Complaint is dismissed without costs.

COPY

COPY



City of Newburyport
FY 2011
BUDGET TRANSFER REQUEST

Transfer #6
May 9, 2011

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

Department: Harbormaster

2011 MAY -3 P 3:37

Submitted by: Paul Hogg

Date Submitted: 5/3/2011

Transfer From:

Account Name	longevity	YTD Bal:	\$	718.00
Account Number:	652001 51401	Trans In:		
Amount:	\$450.00	Trans Out:	\$	450.00
Why are Funds Available:	The Harbormaster before myself qualified for this. I do not and will not be using this line item.			

Transfer To:

Account Name	Telecommunications	YTD Bal:	\$	-
Account Number:	652002 53402	Trans In:	\$	450.00
Amount:	\$450.00	Trans Out:		
Why are Funds Required:	The phone bill went up in price.			

Transfer From:

Account Name	Additional Equipment	YTD Bal:	\$	5,000.00
Account Number:	652008 58500	Trans In:		
Amount:	\$2,500.00	Trans Out:	\$	2,500.00
Why are Funds Required:				

Transfer To:

Account Name	Fuel/ Oil Vehicles	YTD Bal:	\$	888.77
Account Number:	652004 54801	Trans In:	\$	2,500.00
Amount:	\$2,500.00	Trans Out:		
Why are Funds Required:	Fuel Price increase			

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

Donna D. Holaday
Donna D. Holaday

Date: 5/3/11
Date: 5/3/11



City of Newburyport
FY 2011
BUDGET TRANSFER REQUEST

Transfer #7
May 9, 2011

Department: Department of Public Services - Highway Division

Submitted by: Anthony J. Furnari, Director

Date Submitted: 5/2/2011

Transfer From:

Account Name	Labor	YTD Bal:	\$231,768.55
Account Number:	01421001-51158	Trans In:	\$ -
Amount:	\$7,200.00	Trans Out:	\$ 7,200.00
Why are Funds Available:	Transfer of employees and unfilled position		

Transfer To:

Account Name	Summer Help	YTD Bal:	\$2,080.00
Account Number:	01421001-51190	Trans In:	\$ 7,200.00
Amount:	\$7,200.00	Trans Out:	
Why are Funds Required:	To allow summer help to begin work in May		

Transfer To:

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

Transfer To:

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

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

Donna D. Holaday
Barbara Newton, Clerk

Date: 5/3/11
Date: 5/3/11



City of Newburyport

FY 2011

BUDGET TRANSFER REQUEST

Transfer #8
May 9, 2011

Department: DPS - Water

Submitted by: Anthony Furnari, Director DPS

Date Submitted: 4/4/2011

Transfer From:

Account Name	operations manager	YTD Bal:	\$ 23,990.46
Account Number:	60450001-51103	Trans In:	\$ -
Amount:	\$7,914.02	Trans Out:	\$ 2,675.54
Why are Funds Available:	Position remains unfilled		

Transfer To:

Account Name	City Engineer	YTD Bal:	\$ 293.51
Account Number:	60450001-51119	Trans In:	\$0.00
Amount:	\$1,544.24	Trans Out:	\$0.00
Why are Funds Required:	change in pay approved at the 3/14/11 city council meeting and to fund stipend during deputy director's military leave		

Transfer To:

Account Name	water - Water Distribution Supervisor	YTD Bal:	\$12,955.92
Account Number:	60450001-51134	Trans In:	\$1,002.25
Amount:	\$2,207.28	Trans Out:	\$0.00
Why are Funds Required:	employee received stipend for additional duties during deputy director's military leave.		

Transfer To:

Account Name	water - fica expense	YTD Bal:	\$3,310.24
Account Number:	60450009-59150	Trans In:	\$0.00
Amount:	\$4,162.50	Trans Out:	\$0.00
Why are Funds Required:	This transfer will fund the line item for the remainder of FY11. Additional funds are needed for increase fica cost for summer employees and negotiated raises.		

Transfer To:

Account Name		YTD Bal:	
Account Number:		Trans In:	\$0.00
Amount:		Trans Out:	\$0.00
Why are Funds Required:			

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

Donna D Holaday
William B. Squillace

Date: 5/4/11
Date: 5/2/11

COMMUNICATIONS



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

APR 29 A 11:42

April 28, 2011

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

Dear Clerk Jones:

Thank you for your letter dated March 14, 2011 approving the Greater Newburyport Chamber of Commerce's use of streets request. I wanted to inform you that due to scheduling conflicts we have had to change the date of our Oktoberfest event from the original date submitted of Saturday, October 22 to Saturday, October 15, 2011. I have been in correspondence with the Bartlett Mall Commission and have confirmed the new date with them.

Please let me know at your convenience if you would like me to submit additional correspondence to your office. Thank you in advance for your assistance.

Sincerely,

Ann Ormond
President



City of Newburyport

Communication #2
May 9, 2011

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT

2011 MAY -3 P 1:37

Application

Food Establishment Outdoor Seating on Public Property

Date: 4-11-11

Name of Business Owner: James N Noyes

Name of Property Owner: William Rymsha

Business Name: Taffy's

Business Address: 88 State Street

Number of Tables Requested: 2 Dimensions: 28"X28" Material: wrought Iron

Number of Chairs Requested: 6 Dimensions: 2'X2' Material: " "

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

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

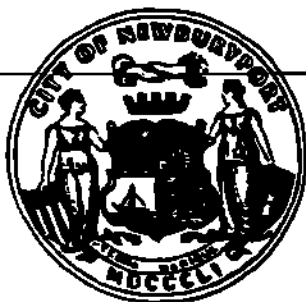
Application Requirements

Please submit the following documents with the completed application to:

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

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

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



Application

Food Establishment Outdoor Seating on Public Property (continued)

- 3) obstacles such as streetlights, signs, trees, benches, and garbage barrels.
- 4) Applicants seeking approval of outdoor seating for food and alcohol consumption must also submit:
 - a) Written and dated approval of the Newburyport License Commission for the outdoor service of alcohol, including the information and sketch used for the basis of the License Commission approval.
 - b) 8 ½ x 11 sketch of outdoor seating cited above must also include a depiction and information on the placement, dimensions, and materials used to create a demarcated area for the service of alcohol.

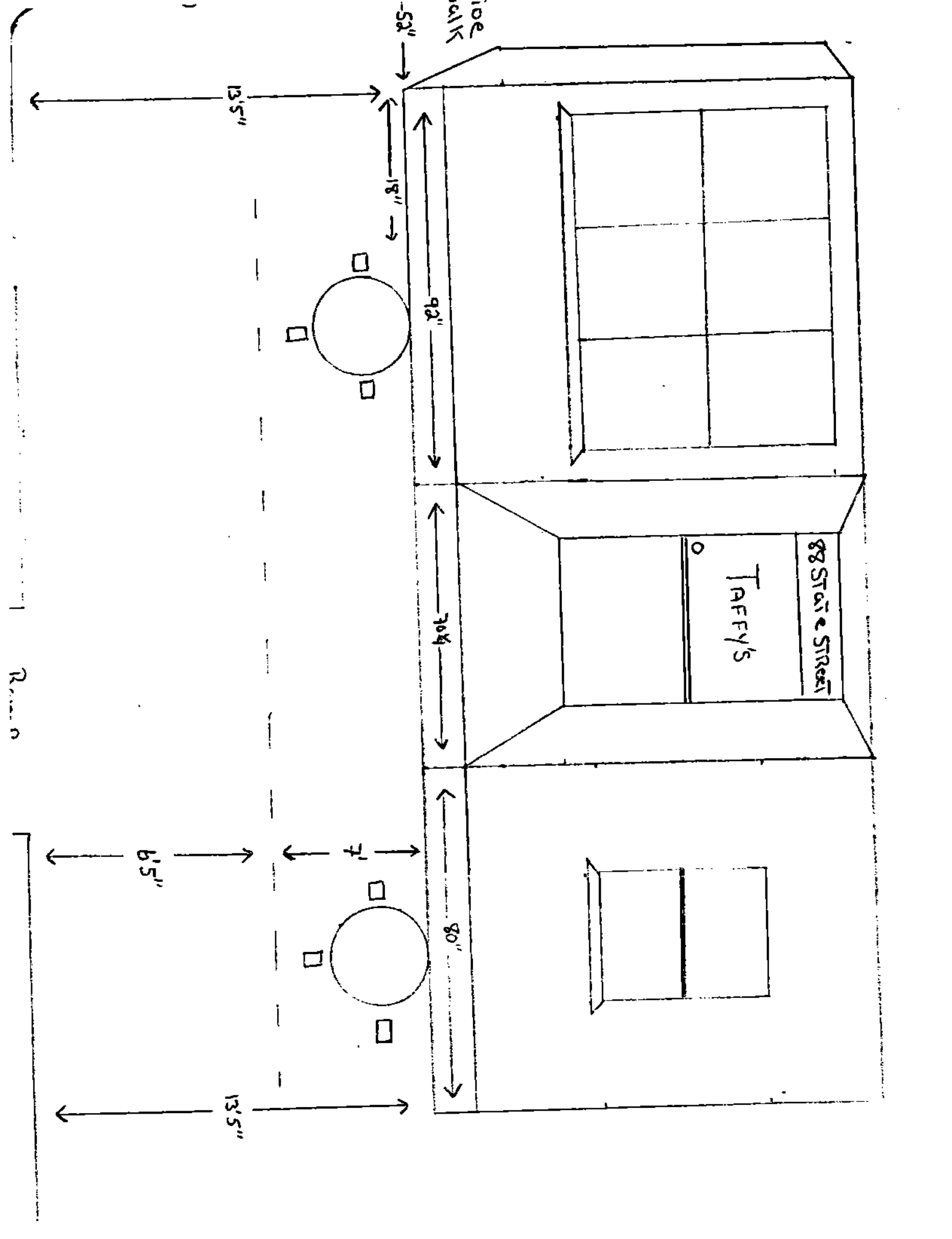
A completed application for outdoor seating for the service of food and alcohol will also include a written recommendation from the Newburyport Police Department. Upon the City Clerk's receipt of a completed application, the Clerk will request from the Newburyport Police Department a recommendation regarding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

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

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



Signature of Business Owner





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
4/19/2011

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

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

PRODUCER West Newbury Insurance Agency 322 West Main Street West Newbury MA 01985 INSURED James Noyes dba Taffy's 88 State Street Newburyport MA 01950	CONTACT Rick Pinciario NAME: PHONE (978) 363-5285 (A/C, No. Ext): FAX (978) 363-1228 (A/C, No.): E-MAIL ADDRESS: PRODUCER 00098537 CUSTOMER ID#: INSURER(S) AFFORDING COVERAGE INSURER A: Safety Insurance Company INSURER B: INSURER C: INSURER D: INSURER E: INSURER F: NAIC # 39454
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------


COVERAGES **CERTIFICATE NUMBER:** CL1141927248 **REVISION NUMBER:**

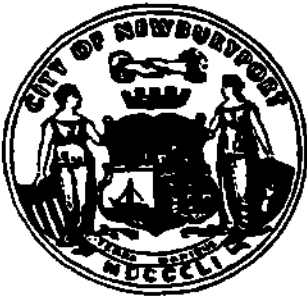
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE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

INSURER	TYPE OF INSURANCE	ADOLISUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY					EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	<input checked="" type="checkbox"/>	BP00012143	5/22/2009	5/22/2010	MED EXP (Any one person) \$ 10,000
				5/22/2010	5/22/2011	PERSONAL & ADV INJURY \$ 1,000,000
				5/22/2011	5/22/2012	GENERAL AGGREGATE \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:					PRODUCTS - COMP/OP AGG \$ 1,000,000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC					
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$
	ANY AUTO					BODILY INJURY (Per person) \$
	ALL OWNED AUTOS					BODILY INJURY (Per accident) \$
	SCHEDULED AUTOS					PROPERTY DAMAGE (Per accident) \$
	HIRED AUTOS					\$
	NON-OWNED AUTOS					\$
	UMBRELLA LIAB	<input type="checkbox"/> OCCUR				EACH OCCURRENCE \$
	EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE				AGGREGATE \$
	DEDUCTIBLE					\$
	RETENTION \$					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	<input type="checkbox"/> Y/N				WC STATUTORY LIMITS \$
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	<input type="checkbox"/> N/A				OTH-ER \$
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. EACH ACCIDENT \$
						E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$
A			BP00012143	5/22/2010	5/22/2011	

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
CERTIFICATE HOLDER AS ADDITIONAL INSURED.

CERTIFICATE HOLDER

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



City of Newburyport

FILED
CITY CLERK
NEWBURYPORT, MA

2011 MAY -3 P 2:23

Application

Food Establishment Outdoor Seating on Public Property

Date: 5-3-11

Name of Business Owner: MARK TRAMUNTANA

Name of Property Owner: GAETA REALTY TRUST

Business Name: UPPER CRUST PIZZERIA

Business Address: 44 STATE ST

Number of Tables Requested: 3 Dimensions: 30" Material: STEEL

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

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

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

Application Requirements

Please submit the following documents with the completed application to:

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

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

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



Application

Food Establishment Outdoor Seating on Public Property (continued)

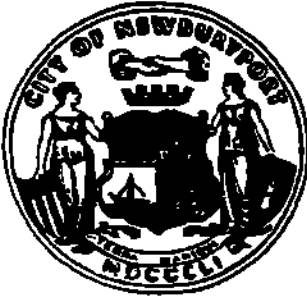
- 3) obstacles such as streetlights, signs, trees, benches, and garbage barrels.
- 4) Applicants seeking approval of outdoor seating for food and alcohol consumption must also submit:
 - a) Written and dated approval of the Newburyport License Commission for the outdoor service of alcohol, including the information and sketch used for the basis of the License Commission approval.
 - b) 8 ½ x 11 sketch of outdoor seating cited above must also include a depiction and information on the placement, dimensions, and materials used to create a demarcated area for the service of alcohol.

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

RELEASE AND INDEMNITY AGREEMENT TO ENCUMBER A PUBLIC WAY

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

Signature of Business Owner



City of Newburyport

Guidelines

Food Establishment Outdoor Seating on Public

Property

- 1) A minimum of 5-feet of pedestrian clearance must be maintained on the sidewalk. Tables, chairs, and all enclosure materials used to create a demarcated area may not infringe upon this pedestrian clearance. Tables, chairs and enclosure materials must maintain a minimum of 5-feet of pedestrian clearance from streetlights, signs, trees, benches, garbage barrels, or other sidewalk obstacles.
- 2) Tables, chairs, and enclosure materials used to create a demarcated area cannot interfere with curb ramps, driveways, fire escape and/or doorway access.
- 3) Care, custody, and control of tables and chairs are the sole responsibility of the applicant.
- 4) All approved tables and chairs which are chained, roped, or otherwise tethered together at the end of business hours must be untethered during business hours.
- 5) Placement of tables and chairs on the public way must conform to all federal, state, and local laws and regulations.
- 6) Permission for outdoor seating on public property is revocable at the discretion of the City of Newburyport.
- 7) Applications are subject to review and approval of the City Council. If approved, permission is in effect until the end of the approval year. Applications for outdoor seating must be renewed on an annual basis.

ACORD CERTIFICATE OF LIABILITY INSURANCE

OP ID 1B
UPPER-2

DATE (MM/DD/YYYY)
05/03/11

PRODUCER
Chase & Lunt LLC
P O Box 590
47 State Street
Newburyport MA 01950
Phone: 978-462-4434 Fax: 978-465-6204

INSURED
Upper Crust Pizzeria/NEPT
Mark Trammontana
PO Box 1228
Newburyport MA 01950

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURERS AFFORDING COVERAGE

NAIC #

INSURER A: **Harleysville Insurance**
INSURER B: **Commerce Insurance Company**
INSURER C:
INSURER D:
INSURER E:

COVERAGES

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

NEW AUTO LTN INSPR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	<input checked="" type="checkbox"/> GENERAL LIABILITY	BOP00000029208K	03/21/11	03/21/12	EACH OCCURRENCE \$ 1000000
	<input type="checkbox"/> COMMERCIAL GENERAL LIABILITY				DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100000
	<input type="checkbox"/> CLAIMS MADE <input type="checkbox"/> OCCUR				MED EXP (Any one person) \$ 10000
	<input checked="" type="checkbox"/> Business Owners				PERSONAL & ADV INJURY \$
	<input checked="" type="checkbox"/> Liquor Liability				GENERAL AGGREGATE \$ 2000000
	GENL AGGREGATE LIMIT APPLIES PER:				PRODUCTS - COMP/OP AGG \$ 2000000
	<input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC				
B	<input type="checkbox"/> AUTOMOBILE LIABILITY	BCZRVH	09/12/10	09/12/11	COMBINED SINGLE LIMIT (Ea accident) \$ 1000000
	<input type="checkbox"/> ANY AUTO				BODILY INJURY (Per person) \$
	<input type="checkbox"/> ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
	<input checked="" type="checkbox"/> HIRED AUTOS				
	<input checked="" type="checkbox"/> NON-OWNED AUTOS				
	<input type="checkbox"/> GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	<input type="checkbox"/> ANY AUTO				OTHER THAN AUTO ONLY: EA ACC \$
					AGG \$
	<input type="checkbox"/> EXCESS/UMBRELLA LIABILITY				EACH OCCURRENCE \$
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE				AGGREGATE \$
	<input type="checkbox"/> DEDUCTIBLE				\$
	<input type="checkbox"/> RETENTION \$				\$
	<input type="checkbox"/> WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				WC STATUTORY LIMITS <input type="checkbox"/> OTHER <input type="checkbox"/>
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED?				E.L. EACH ACCIDENT \$
	If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE \$
	OTHER				E.L. DISEASE - POLICY LIMIT \$
					PROPERTY 317175

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

Outdoor seating, Sidewalk A-Frame sign, Newburyport Spring & Fall Harvest Festivals: The City of Newburyport is included as Additional Insured as respects general liability, as it relates to the Insured's ongoing operations, if required by written contract.

CERTIFICATE HOLDER

NEWBU-2

City of Newburyport
City Hall, Pleasant Street
Newburyport MA 01950

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

James J. Howlett III

City Clerk,

Attached, please find my application for Outdoor Seating on Public Property.

I have enjoyed outdoor seating for the past two years & intend to use the same 30" tables & chairs this year. These are the same tables & chairs being used by Agave, and I have attached the respective spec sheets (images & measurements).

The closest obstacle is a lamppost that is 12' from the building and 2.5' from the curb. The distance between the lamppost and the nearest item (pedestrian clearance) is approximately 6'.

This year, I am asking to add three stanchions in an effort to more effectively demarcate the seating area from the pedestrian portion of the sidewalk. I have attached an image of the stanchions for your review. When properly placed, these stanchions will help provide a clear dining area for patrons, creating a more aesthetic look & feel. In addition, the stanchions will ensure that proper pedestrian clearance is maintained, as they will prevent the table & chairs from "creeping" away from the building.

Please feel free to contact me with any questions.

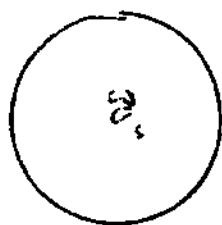
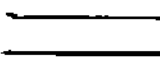
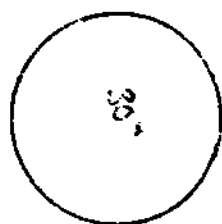
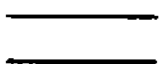
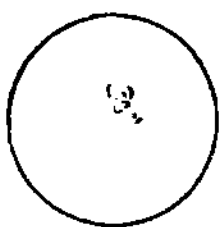
Regards,

Mark Tramontana

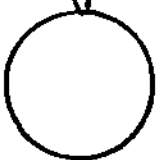
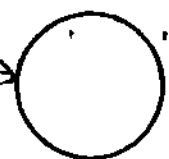
door

upper court

← 14' →



↑
14.5'
↓



6'

↑
12'
↓



LAMPPOST
↑
2.5'
↓

← 21.5' →

ceiling

Espresso (steel)

SIDE CHAIR

Height: 34.5" Width: 18" Depth: 22"
Seat Height: 18"

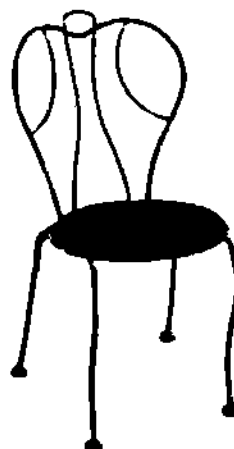
Stackable

Available in:

☒ Padded Seat.....Product # 90590-PD

☐ Starburst Seat.....Product # 90590-ST

 [Download Collection Sheet](#)



Items in this collection



Side Chair



Café Chair



Swivel Bar Stool



Swivel Bar Stool



Bar Stool



Bar Stool



Swivel Bar Stool



Swivel Bar Stool

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[Fabrics](#)
[Frames](#)
[Vinyl](#)
[Table Tops](#)
[Replacements](#)

REPLACEMENTS

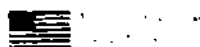
[Order Replacements Online](#)
[Model ID Guide](#)
[Replacement Options Guide](#)

HELP

[Frequently Asked Questions](#)
[Use & Care](#)
[Replacements](#)
[Warranty](#)
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COMMUNITY

Join our online community and get all the latest news and product updates from Homecrest Outdoor Living.



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Mesh

CAFÉ TABLE

Available In:

30" Round (With Hole).....Product # 16306
Height: 29", Width: 30", Length: 30"

36" Round (With Hole).....Product # 16365
Height: 29", Width: 36", Length: 36"

 [Download Collection Sheet](#)



Items in this collection



Balcony Table



Bar Table



Bar Table



Bar Table



Café / Dining Table



Café Table



Dining Table



Dining Table (Boat Shape)



End Table / Ottoman

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REPLACEMENTS

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[Model ID Guide](#)
[Replacement Options Guide](#)

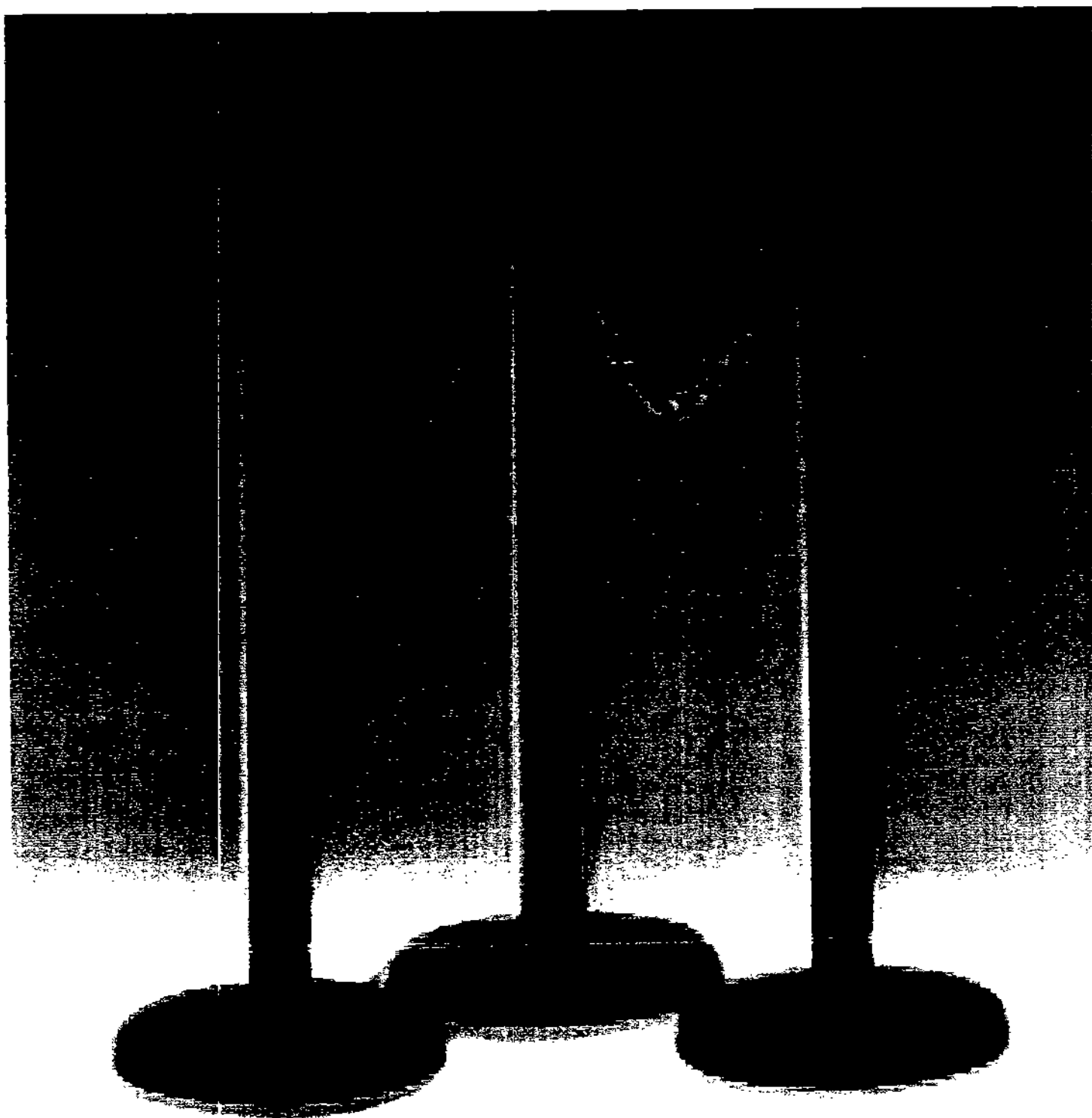
HELP

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[Replacements](#)
[Warranty](#)
[Contact Us](#)

COMMUNITY

Join our online community and get all the latest news and product updates from Homecrest Outdoor Living.





Newburyport City Council Chairman,

11/27/11, 2011

We, residents of 53rd St, 56th St. and this immediate neighborhood, request that you please give us a chance to speak before you about the closure of our right of way to the beach, for the second year in a row.

We feel it is our right to be included in such a decision, as it affects so many people. It is our belief that a safe and sound solution can be crafted which will serve the needs of all the people involved, and we would ask that we have the opportunity to participate in such a solution.

Respectfully,
Gerry Mack - 22 53rd St.
Concerned neighbors listed below

Gerry Mack

978-462-8410

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2011 MAY -3 A 10:34

WE THE UNDERSIGNED ARE CONCERNED CITIZENS OF
NEWBURYPORT.

WE WISH TO DRAW ATTENTION TO THE CLOSURE, FOR THE
SECOND YEAR, OF OUR PUBLIC RIGHT OF WAY TO THE BEACH
ON 53RD. STREET.

THIS CONDITION THREATENS TO PERSIST FOR SEVERAL YEARS,
AND WE APPEAL TO THE COUNCIL TO HEAR OUR GRIEVANCE
AND ALLOW US TO OFFER A SAFE SOLUTION TO FULL ACCESS
TO OUR PUBLIC BEACH, ON THIS PATH.

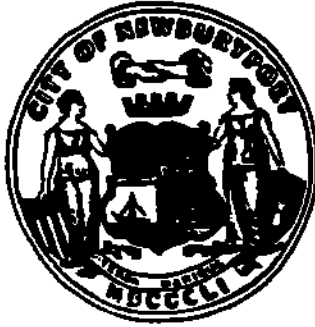
THANK YOU FOR YOUR CONSIDERATION OF THIS MATTER.

Mary Welch 22 53RD St
~~Robert Welch~~ 22 53RD St
Timothy P. Bailey 8 53RD St
Marlene Barber 8 53RD St
Abra Hainth 152 Northern Blvd
Cheryl Metramo 56th St
Carol Moran 56th St.

RECEIVED
CITY OF NEWBURYPORT
MAY -3 A 10:34

May 9
May 31
- 3rd
24th

Communication #5
May 9, 2011



CITY OF NEWBURYPORT
60 PLEASANT STREET
NEWBURYPORT, MA 01950



BLOCK PARTY APPLICATION

Please fill out the application below and obtain the approving signatures for the street closure. Mail or drop off the completed signed application at: City Clerk's Office, City Hall, 60 Pleasant St., Newburyport, MA 01950 at least 8 business days prior to a City Council meeting. The requested Block Party needs approval by the City Council. For any questions, please contact The City Clerk's Office at (978)465-4407.

DATE OF REQUEST: 4/25/11

CONTACT INFORMATION

FIRST AND LAST NAME: Sharon Cassily
MAILING ADDRESS: 44 Warren ST.
PHONE NUMBER: 978-358-8686
E-MAIL ADDRESS: mann.sharon@comcast.net

BLOCK PARTY INFORMATION

BLOCK PARTY DATE: June 18th Rain Date June 25th
Warren St. between Griffin Ct.
DESIRED STREET CLOSING LOCATION: + Cutlers Ct.
Please indicate cross streets when requesting the closing of street sections
Warren St. between Griffin Ct.
STREET TO BE BARRICADED: and Cutlers Ct.
DESIRED STREET CLOSING TIME: 3:00 PM
Block Parties should run no later than 10:00 p.m.

REGULATIONS

By signing, I agree that I am a legal adult 18 years of age or older and understand this permit does not release me of any liability for damages that may result from the conducting of this Block Party. Further, I agree to comply with all requirements listed below:

I understand that applications for block party permits may take up to four weeks to process.

Block parties will be conducted only on low-volume residential streets, dead-end streets, or cul-de-sacs, No thoroughfares or collector streets may be used.

It is hereby agreed that, by signing and presenting this application, signer(s) represents to the City of Newburyport that the following statements are true and correct, and agrees to and will abide by the following:

1. All residents living on the street or block for which the party is planned request the Block party, or have been contacted and do not object to the Block Party.
2. To be responsible for placement, maintenance and removal of barricades.
3. A block party permit does not allow the sale of alcohol or the consumption of alcohol on public property (in city streets, sidewalks, parks, etc.) alcohol is allowed only on private property. All state and city alcohol laws still apply during Block Parties.
4. Amplified music shall be permitted with permission of the City Council.
5. To leave AT LEAST a TWELVE (12) FOOT AISLE in the street to permit passage of emergency vehicles or vehicles of residents. Failure to maintain a ten foot aisle during the entire period of the party will necessitate denial of requests for subsequent block parties. Public safety personnel will monitor the party for strict adherence to this rule.
6. To maintain adult supervision at all times during the party.
7. Applicant(s) shall be responsible for the pick-up of trash and garbage within 2 hours of the end the party.
8. Streets may not be barricaded later than 10:00 P.M.
9. No residents of the area designated shall be prohibited from attending the party.
10. No such activity may be conducted within 500 feet of any school, church, hospital, nursing home or similar operation unless endorsed by the management of such institution.
11. Only approved readily removable Barricades will be permitted such as, orange cones and sawhorses with a sign. No vehicles will permitted to be used as a Barricade.
12. Block parties are permitted 10AM-10PM

Applicant Signature

Date

APPROVAL SIGNATURES REQUIRED FOR STREET CLOSURE

CITY MARSHAL

4 Green Street

FIRE CHIEF

Greenleaf Street

DEPUTY DIRECTOR

1 Perry Way

CITY CLERK

60 Pleasant St.

City use only:

Approved

-Denied

Date

**APPOINTMENTS
FIRST READING**



CITY OF NEWBURYPORT

Re-Appointment #1

May 9, 2011

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950

NEWBURYPORT, MA 01950

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

RECEIVED
CLERK'S OFFICE
MAY 3 2011

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: May 3, 2011

Subject: Re-appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Youth Commission. This term will expire on May 31, 2014.

Alan Papert
174 State Street Unit 4
Newburyport, MA 01950



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. Box 550

NEWBURYPORT, MA 01950

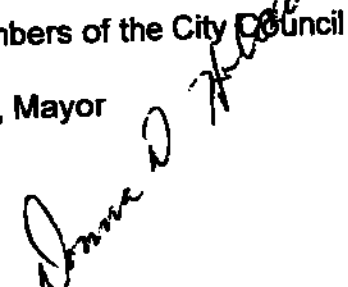
(978) 465-4413 (978) 465-4402 (Fax)

Re-Appointment #2
May 9, 2011

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2011 MAY -2 A 11:01

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Subject: Re-Appointment
Date: May 2, 2011



I hereby re-appoint, subject to your approval, the following named individuals to the Council on Aging. These terms will expire May 1, 2016.

Frances Reslewic
12 Chase Street
Newburyport, MA

Charles Carroll
25 Hill Street
Newburyport, MA



CITY OF NEWBURYPC

Re-Appointment #3

OFFICE OF THE MAYOR

May 9, 2011

DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. Box 550

NEWBURYPORT, MA 01950

(978) 465-4413

(978) 465-4402 (Fax)

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

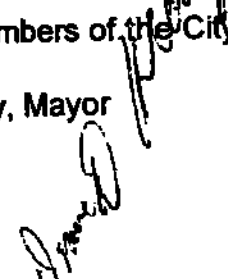
2011 APR 20 P 3:44

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: April 20, 2011

Subject: Re-appointment



I hereby re-appoint, subject to your approval, the following named individual as a member of the Trust Fund Commission. This term will expire on April 1, 2014.

Richard J. O'Brien
41 Olive Street
Newburyport, MA 01950



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. BOX 550

NEWBURYPORT, MA 01950

(978) 465-4413 (978) 465-4412 (Fax)

Appointment #4

May 9, 2011

RECEIVED
CITY OF NEWBURYPORT
CLERK'S OFFICE
MAY 9 2011

3 P 3:29

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: May 3, 2011

Subject: Appointment

Donna D. Holaday

I hereby appoint, subject to your approval, the following named individual as a member of the Bartlett Mall Commission. This term will expire on May 31, 2014.

Ellen Hanick
9 Hallisey Drive
Newburyport, MA 01950

Ellen Hanick

9 Hallisey Drive, Newburyport, MA 01950
978-465-0105(h) 978-985-3820 (c) • ehanick@comcast.net

Education

Master's of Public Administration, Cum Laude, Presidential Management Nominee. Northeastern University, Boston, MA Focus on Technology and Land Use Planning (1981)

B.S. Nutrition / Public Health, University of Massachusetts, Amherst, MA (1978)

Computer Applications, Design and Networking , Northern Essex CC

Teaching Experience

Essex Agricultural & Technical High School, Computer Science /Business
Developed vocational technical curriculum in Computer Applications, Small

Business, Finance, Design and movies. Moderator of Tech community Service Club. Developed online resources including Moodle, MMS, Quia.com (2004-

Central Catholic High School, Computer Science Teacher

Developed curriculum and taught courses in Computer Applications, Operating Systems, C++, Visual Basic, A+ Certification/Computer Maintenance and Repair. Moderator of Computer Club. Developed within online resources Gradequick, Edline, Quia, and Mycourse.com (2001-2004)

College Instructor Computer Science / Fine Arts

PCs and Macintosh incorporating: HTML, Access, Excel, Word, PowerPoint, SQL, PageMaker, Freehand, Adobe Illustrator, Word Perfect, Lotus 123, DBase.

Trained in Java, PhotoShop, Visual Basic, Logo, Pascal, Basic, Perl, Unix, Banner/Oracle, Oracle- PL/SQL, Novell Network Administration Certification and Computer Repair / Maintenance Certificate, Northern Essex Community College (1988-present)

Adjunct Computer Science / Art Faculty

University of New Hampshire, Northeastern University, Bunker Hill and Northern Essex Community Colleges (1989 - 2005) Mac and PC based

Computer Applications instructor to GED & ESL students, Amesbury Adult Learning Center (1999-2001)

Experience in Research, Evaluation and Training

Staff Associate for Institutional Research / Research Director

Developed survey instruments, tracking plans, programs and databases to track student and graduate demographics. Prepare specialized reporting mechanisms for institutional use. Northern Essex Community College Haverhill, MA (1995-2001)

Partner (Training, Research, Grant Administration)

Individually designed research, grant writing training and reports for clients. Axiom, (1987-present)

Director - Project Expand

Promoted, researched and evaluated program to provide cooperative education to Division of Continuing Education students. Prepared reports for funding agency. Northern Essex Community College, (1988)

Project Director

Responsible for research, planning, design and marketing community relations for Health / Regional Planning Agency. Wrote and published comprehensive bi-annual health systems plan and quarterly community workforce focused health magazine, Working Well. Developed community based needs assessments, biostatistics and epidemiological demographics. Merrimack Valley Health Planning Council, Lawrence, MA (1980-1987)

Other Professional

Amesbury Adult Learning Center, Haverhill Community Action, Somerville / Cambridge Employment & Training Center, Hampshire County House of Correction / Placement & Training. MINT - Department of Education - Finalist

Licenses

MA Licensed Certified Social Worker, #203718



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)

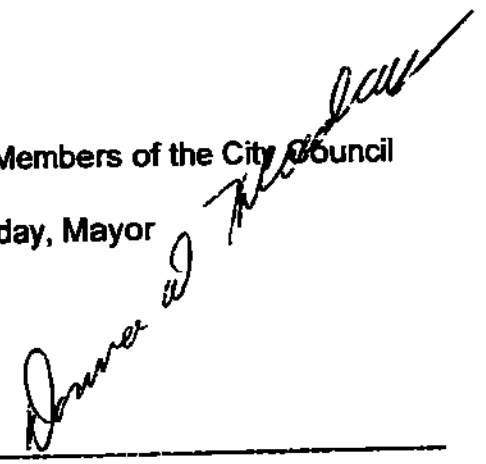
Appointment #5

May 9, 2011

RECEIVED
CITY OF NEWBURYPORT, MA

2011 MAY -3 P 3:29

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: May 3, 2011
Subject: Appointment



I hereby appoint, subject to your approval, the following
named individual as a member of Street Tree Committee.

Jean L. Berger
33 Middle Street
Newburyport, MA 01950

Resume of Jean L. Berger

33 Middle Street
Newburyport, MA 01950

(978) 500-4372
greenjeans33@comcast.net

Education	BA (1982) Spanish, Davidson College, North Carolina A.A.S. Horticulture (2008), North Shore Community College Massachusetts Certified Arborist (2008 – present)
Qualifications	
Work Experience	
July 2005 to Present	Green Jean's Garden Design & Horticulture Services, Self employed, designing & installing gardens; perennial maintenance and ornamental pruning services.
April 2010 to present Nov & Dec 2007 to present March 2005 to Dec 2006	Plant Sales/PR Assistant (as needed) at Ould Towne Gardens, Newbury, MA Assistant – set up and sales of holiday plant material & decorations Greenhouse/Perennial Assistant – full time plant care and sales
Sept. 1998 to June 2003	Director of Development, Women's Crisis Center, Newburyport, MA Increased annual giving income by 300% and special events income by 266%. Computerized donor database (Paradigm) as agency's first development officer. Researched and prepared foundation & corporate grants. Managed special events and volunteers. Coordinated agency's PR. Assisted with strategic planning.
Sept. 1997 to June 1998	Asst. Director of Development, Harbor Schools, Newbury, MA Increased annual giving donations by 45% and the number of donors by 56% through the annual appeal. Set up Paradigm for fundraising management. Assisted with grants, special events and capital campaign.
July 1991 to March 1998	Director of Development, Interfaith Council for the Homeless of Union County Inc., Plainfield, NJ. Increased agency annual budget by 135% through annual giving, grants and special events. Prepared and implemented annual development plan in conjunction with board of trustees. Coordinated agency PR. Computerized donor database.
Jan. 1989 to June 1991	Administrative Assistant to Development Office Summit Child Care Centers, Summit, NJ Assisted with fundraising campaigns and special events. Coordinated PR.
Oct. 1985 to March 1988	Account Manager, Butcher-Doulton Communications, Royston, UK Joined firm as secretary; promoted to Account Executive 3/86 to manage public relations and advertising accounts. In '87 promoted to Account Manager to supervise account teams and to act as client liaison.
Sept. 1983 to Sept. 1985 1983	Secretary to the Partners, Hannah Reed & Associates, Cambridge, UK Clerical Assistant, Self Insurer's Service, Atlanta, GA
Volunteer Work	Board Member YWCA Greater Newburyport (since 6/09); Co-Chair Development Committee YWCA (since 10/09); Garden Group Volunteer, Women in Transition, Salisbury (2009 & 2010); Fundraising Chair, NHS Senior Celebration (2006, 2009, 2010). Board Member: Kelleher Learning Enrichment Center (2002/3) and Maudslay State Park Association (1997-2000); Co-President 1998/9 and Secretary 1997/8 for Brown School Elementary School PTO; Volunteer at Firehouse Center for the Arts (Box office 2004-06, Usher 1998-2001); Newburyport High School Library (2004 to 2006); Fernwood Middle School, Grant High School & Northwest Academy in Portland, OR (2003/4).

References Available Upon Request.

Resume of Jean L. Berger

33 Middle Street
Newburyport, MA 01950

(978) 500-4372
greenjeans33@comcast.net

Education

BA (1982) Spanish, Davidson College, North Carolina
A.A.S. Horticulture (2008), North Shore Community College
Massachusetts Certified Arborist (2008 – present)

Qualifications

Work Experience

July 2005 to Present

Green Jean's Garden Design & Horticulture Services,
Self employed, designing & installing gardens; perennial maintenance
and ornamental pruning services.

April 2010 to present

Nov & Dec 2007 to present

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Plant Sales/PR Assistant (as needed) at Ould Towne Gardens, Newbury, MA
Assistant – set up and sales of holiday plant material & decorations
Greenhouse/Perennial Assistant – full time plant care and sales

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1983

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Clerical Assistant, Self Insurer's Service, Atlanta, GA

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Board Member YWCA Greater Newburyport (since 6/09); Co-Chair Development
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Center (2002/3) and Maudslay State Park Association (1997-2000); Co-President 1998/9 and Secretary 1997/8 for
Brown School Elementary School PTO; **Volunteer** at Firehouse Center for the Arts (Box office 2004-06, Usher
1998-2001); Newburyport High School Library (2004 to 2006); Fernwood Middle School, Grant High School &
Northwest Academy in Portland, OR (2003/4).

References Available Upon Request.

END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

REGULAR AGENDA

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date: May 9, 2011

THAT in accordance with the provisions of the General Law of Massachusetts, the City Clerk be, and is hereby authorized and directed, to notify and advise the inhabitants of the City of Newburyport, qualified to vote as the law requires, to assemble at the several polling places, for and within the several precincts, where they are duly registered voters on **TUESDAY, NOVEMBER 8, 2011** for the **MUNICIPAL ELECTION**, then and there to give in their votes for a ballot question on the proposed charter.

Councillor Edward C. Cameron

May 2, 2011

Newburyport Charter Commission
City Hall
60 Pleasant St.
Newburyport MA 01950

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2011 MAY -4 A 11: 06

To the Newburyport City Council:

The Newburyport Charter Commission respectfully submits this proposed Charter to the Newburyport City Council for its mandated action that it be submitted to the voters on November 8, 2011. We are requesting that the City Council place the following order on its May 9, 2011 agenda:

**Be It Ordered: BY THE CITY COUNCIL OF THE CITY
OF NEWBURYPORT, as follows:**

That in accordance with the provisions of the General Law of Massachusetts, the City Clerk be and is hereby authorized and directed to notify and advise the inhabitants of the City of Newburyport, qualified to vote as the law requires, to assemble at the several polling places, for and within the several precincts, where they are duly registered voters on

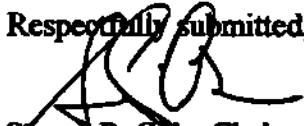
TUESDAY, NOVEMBER 8, 2011 for the MUNICIPAL ELECTION, then and there to give in their votes for a ballot question on the proposed charter.

The Commission will provide a summary of the charter to be used by the city solicitor to craft the Ballot Question and will be available to the City Council and the City Clerk to answer questions and provide assistance as requested.

The city council is required to have the proposed charter final report be printed and a copy be distributed to each residence of one or more registered voters.

We recommend that at least 200 additional copies of this proposed charter final report are filed with the city clerk for distribution to registered voters requesting a copy.

Respectfully submitted,



Steven P. Cole, Chairman
Newburyport Charter Commission

CC:

Richard B. Jones, City Clerk
Andrew Flanagan, Director of Policy and Administration
The Honorable Donna D. Holaday, Mayor, City of Newburyport

**Order #2
May 9, 2011**

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date: May 9, 2011

THAT the City Council hereby orders that the City of Newburyport shall post on its website in an accessible place the Campaign Finance Reports-Municipal Forms which are submitted by candidates for Mayor, City Council, and School Committee. The Reports to be posted shall include the current year and the previous three years.

Councillor Edward C. Cameron

**Order #3
May 9, 2011**

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date: May 9, 2011

THAT the City Council hereby orders that the City of Newburyport shall post on its website in an accessible place each municipal union contract for the current fiscal year and the previous three fiscal years.

**Councillor Edward C. Cameron
Councillor Thomas E. Jones**

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date: May 9, 2011

THAT the City Council of the City of Newburyport accept the provisions of the M.G.L. c.138 § 33B as follows:

The local licensing authority of any city or town which accepts this section may authorize licensees under section twelve to sell alcoholic beverages between the hours of eleven o'clock ante meridian and twelve o'clock noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday.

Sponsor Councillor Gregory D. Earls

ORDINANCES

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:
May 9, 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 7	Speed Limits

Section 13-186 Twenty-five miles per hour

The speed limit shall be twenty-five (25) miles per hour on the following streets or portions thereof:

Add:

Water Street from State Street to Federal Street in both directions.

Sponsor Councillor Gregory D. Earls