CITY COUNCIL MEETING
AGENDA - VERSION 1
August 8, 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**
   July 25, 2011 (Approve)

7. **TRANSFERS**
   1. Health Dept. Rsv App-Solid Waste Fee $27,500 to Chipper Service $20,000, to Household Hazardous Waste $7,500 (B&F)
   2. Police Department Officer Salary $1,500 to Evaluations $1,500 (Approve)

8. **COMMUNICATIONS**
   1. Neurofibromatosis Northeast Coast to the Cure bike ride Sept. 10, 2011 (PS)
   2. Underground Storage Tank Replacement 76 Storey Ave. (PU)
   3. Jeanne Geiger Crisis Ctr 20th Annual Walk Against Violence & 5K Oct. 16, 2011 (Approve)
   4. Harbormaster letter regarding new docks (R&F)
   5. Draft Ordinance for the Friends of the Highland Cemetery Commission (N&CS)

9. **APPOINTMENTS**

Appointment

1. Edward L. Ramsdell 32 Kent Street Local Historic District Study Committee

END OF CONSENT AGENDA

REGULAR AGENDA

10. **APPOINTMENTS – 2nd Reading**

Appointment

2. Brian Brunault 83 Garden St, W. Newbury Constable for Civil Business July 1, 2014

11. ORDER

1. Downtown marker for former Mayor Byron Matthews
2. Youth Services receipt of donations
3. CPC reallocation Custom House Maritime Museum

12. ORDINANCES

1. 2nd Reading Amend Ord. Ch.8 Sec. 8-83 Solid Waste Regulations
2. 2nd Reading Amend Ord. Ch.3 Sec. 3-26 Animals Dogs Leash Required
3. 2nd Reading Amend Ord.13-180 Parking Resident Green, Pleasant, Washington Sts

13. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Mayor Green Initiatives REV APPR ($20,000) to Mayor-CHMM **11/29/2010*
2. Mayor Cap. Improve Stab Fd toGen Admin-Phone System ($140,914.74) **03/14/2011*
3. Health-Reg Hlth Serv Rev Fd $10,142.05 to Mayor City Hall Rev Fd $10,142.05 **7/11/2011*
4. Order Community Preservation Fund appropriations **07/11/2011*
5. Order IT Plan Bond **07/11/2011*

General Government

In Committee

1. Atmospheric Pollution Ordinance **02/08/2010*
2. Proposed Special Act Water & Sewer Commission **01/10/2011*
3. Proposed Charter on Ballot for November 8, 2011 Municipal Election **05/09/2011*
4. Campaign Finance Reports-Municipal Forms posting on City Website **05/09/2011*
5. Union Contract posting on City Website **05/09/2011*

Joint Education

In Committee:

License & Permits

In Committee:

1. Cars Port Taxi rate increase request **05/31/2011*

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*
3. Amend Ch.8 Sec. 8-90 Solid Waste Recycling Collection **05/31/2011*

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. Letter to designate Matthews Court at Inn Street Mall **05/31/2011*
6. Letter for Essex St. Inn Visitor Parking **07/11/2011*
7. Intermunicipal Agreement Newburyport and Newbury **07/11/2011*

8. Order Community Preservation Fund appropriations *07/11/2011

Public Safety
In Committee:

1. Residential Handicap Parking Ordinance *01/11/2010
2. Amend Sec. 13-86 Water St. (25mph) State to Federal *05/09/2011
3. St. Paul's Church request to restrict parking on Summer Street entrance *05/31/2011
4. Amend Ord 13-180 Parking Resident Fair St between Middle & Temple *07/25/2011
5. Amend Ord 12-10 Streets, Sidewalks and Other Public Places – Cameras *07/25/2011
6. Amend Ord 13-121 One-Way Streets Griffin Court *07/25/2011
7. Amend Ord 13-179 Handicapped Parking Otis Place *07/25/2011

Public Utilities Committee
In Committee:

1. Letter regarding Pole at 114 High Street *05/31/2011

Rules Committee
In Committee:

14. GOOD OF THE ORDER

15. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL MEETING
Minutes - July 25, 2011

Council President O'Brien called the meeting to order at 7:30 pm and asked for a moment of silence for the recent passing of Water Superintendent Paul Colby's father, Louis Colby and mother, Marie Colby. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Cronin, Derrivan, Earls, Heartquist, Herzog, Hutcheson, Ives, Jones and O'Brien. Councillor Connell absent.

LATE FILE ITEMS

Communications #5 and #6

Motion to suspend the rules to allow late file items by Councillor Earls, seconded by Councillor Cronin. 10 yes, 1 absent (Connell). So voted.

PUBLIC COMMENT –

1. Jason Mello, G. Mello Disposal Corp., Solid Waste
2. Molly Ettenborough, Health Department, Solid Waste
3. Dale Eckart, 89 Lime Street, Hydrant Markers

CONSENT AGENDA

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1. APPROVAL OF MINUTES

July 11, 2011 (Approved)

2. COMMUNICATIONS

1. Block Party Request, Beck Street, August 20, 2011 (Approved)
2. 4th Annual Boot Drive for Alzheimer's Assoc. Sept. 3, 2011 (Approved)
3. Letter regarding European traffic/congestion trends (R&F)
4. Amended Election Calendar (R&F)

3. APPOINTMENTS

Re-Appointment

1. Brian Brunault 83 Garden Street, W. Newbury Constable for Civil Business July 1, 2014

Motion to approve the Consent Agenda by Councillor Earls, seconded by Councillor Jones. 10 yes, 1 absent (Connell). So voted.

END OF CONSENT AGENDA

REGULAR AGENDA

4. COMMUNICATIONS

5. Block Party Request, Payson & Woodland Streets., August 20, 2011

Motion to approve by Councillor Derrivan, seconded by Councillor Earls. 10 yes, 1 absent (Connell). So voted.

6. Block Party Request, 54th Street, August 13, 2011

Motion to approve by Councillor Earls, seconded by Councillor Hutcheson. 10 yes, 1 absent (Connell). So voted.

5. APPOINTMENTS – 2nd Reading

Re-Appointment

2. Margaret Welch 82 Curzon Mill Rd Community Preservation Act Com April 1, 2014

Motion to approve by Councillor Herzog, seconded by Councillor Earls. 10 yes, 1 absent (Connell). So voted.

6. ORDINANCES

1. Amend Ordinance 13-180 Parking Resident Fair Street between Middle & Temple

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

2. Amend Ordinance 12-10 Streets, Sidewalks and Other Public Places – Cameras

Motion to refer to Public Safety by Councillor Cameron, seconded by Councillor Ives. 10 yes, 1 absent (Connell). So voted.

3. Amend Ordinance 13-121 One-Way Streets Griffin Court

Motion to refer to Public Safety by Councillor Cronin, seconded by Councillor Derrivan. 10 yes, 1 absent (Connell). So voted.

4. Amend Ordinance 13-179 Handicapped Parking Otis Place

Motion to refer to Public Safety by Councillor Earls, seconded by Councillor Hutcheson. 10 yes, 1 absent (Connell). So voted.

7. COMMITTEE ITEMS

Budget & Finance

In Committee:

1. Mayor Green Initiatives REV APPR ($20,000) to Mayor-CHMM **11/29/2010*
2. Mayor Cap. Improve Stab Fd toGen Admin-Phone System ($140,914.74) **03/14/2011*
3. Health-Reg Hlth Serv Rev Fd $10,142.05 to Mayor City Hall Rev Fd $10,142.05 **7/11/2011*
4. Order Community Preservation Fund appropriations **07/11/2011*
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General Government

In Committee

1. Atmospheric Pollution Ordinance **02/08/2010*
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Joint Education

In Committee:

License & Permits

In Committee:

1. Cars Port Taxi rate increase request **05/31/2011*

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*
3. Amend Ch.8 Sec. 8-83 Solid Waste Regulations **05/31/2011*

Motion to remove by Councillor Herzog, seconded by Councillor Jones. Motion to approve and order published by Councillor Herzog, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Connell). So voted.

4. Amend Ch.8 Sec. 8-90 Solid Waste Recycling Collection *05/31/2011
5. Amend Ch.3 Sec. 3-26 Animals Dogs Leash Required *05/31/2011

Motion to remove by Councillor Herzog, seconded by Councillor Heartquist. Motion to approve by Councillor Herzog, seconded by Councillor Heartquist. 7 yes, 3 no (Derrivan, Jones, O'Brien), 1 absent (Connell). So voted.

6. Amend Ch.3 Sec. 3-28 Animals Dogs Nuisances *05/31/2011

Motion to remove by Councillor Herzog, seconded by Councillor Heartquist. Motion to approve by Councillor Herzog, seconded by Councillor Heartquist. 5 yes (Cameron, Earls, Heartquist, Herzog, Hutcheson), 5 no, 1 absent (Connell). So voted. Motion failed.

7. Amend Ch.3 Sec. 3-30 Animals Dogs Certain Dogs to be Muzzled *05/31/2011

Motion to remove by Councillor Herzog, seconded by Councillor Heartquist. Motion to approveby Councillor Herzog, seconded by Councillor Heartquist. 5 yes (Cameron, Earls, Heartquist, Herzog, Hutcheson), 5 no, 1 absent (Connell). So voted. Motion failed.

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. Letter to designate Matthews Court at Inn Street Mall *05/31/2011
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8. Order Community Preservation Fund appropriations *07/11/2011

Public Safety

In Committee:

1. Residential Handicap Parking Ordinance *01/11/2010
2. Amend Sec. 13-86 Water St. (25mph) State to Federal *05/09/2011
3. St. Paul's Church request to restrict parking on Summer Street entrance *05/31/2011
4. Amend Ord.13-180 Parking Resident Green, Pleasant, Washington Sts *07/11/2011

Motion to remove by Councillor Cronin, seconded by Councillor Derrivan. Motion to approve and publish by Councillor Cronin, seconded by Councillor Derrivan. 10 yes, 1 absent (Connell). So voted.

Public Utilities Committee

In Committee:

1. Letter regarding Pole at 114 High Street *5/31/2011

Rules Committee

Councillor Jones said that the committee is reviewing the process of removing items from committee for approval and discussion and roll call procedures.

In Committee:

14. GOOD OF THE ORDER

Councillor Earls spoke to amending ordinances in general. Councillor Jones said he is trying to set up a meeting with the Labor Council.

15. ADJOURNMENT

Motion to adjourn by Councillor Derrivan, seconded by Councillor Cameron. Unanimous voice vote. 8:20 p.m.

TRANSFERS

Transfer #1
August 8, 2011

City of Newburyport
FY 2012
BUDGET TRANSFER REQUEST

2011 AUG -2 P 3:23

Department: Health Department

Submitted by: Molly Ettenborough **Date Submitted:** 7/18/2011

Transfer From:

Account Name	RSV APP - Solid Waste Fee	YTD Bal:	$	154,274.40
Account Number:	2747-59600	Trans In:	$	-
Amount:	$27,500.00	Trans Out:	$	2,300.00
Why are Funds Available:	*Funded through Compost Facility sticker fees and recycling rebate.*			

This transfer is the standard method for moving funds from Reserve for Appropriations accounts into General Fund budget accounts.

Transfer To:

Account Name	Chipper Service	YTD Bal:	$	-
Account Number:	01510002 52813	Trans In:	$	2,300.00
Amount:	$20,000.00	Trans Out:	$	-
Why are Funds Required:	*Estimated costs for compost material removal for FY 2012*			

This account is funded in the budget by the Solid Waste Reserve for Appropriation account.

Transfer To:

Account Name	Household Hazardous Waste	YTD Bal:	$	-
Account Number:	01510002 53424	Trans In:	$	14,951.80
Amount:	$7,500.00	Trans Out:	$	-
Why are Funds Required:	*Estimated costs for HHW removal for fiscal 2012. This account is funded*			

in the budget by the Solid Waste Reserve for Appropriation account.

Transfer To:

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

Donna D. Holaday, Mayor — Donna D. Holaday — Date: 8/2/11

William B. Squillace, Auditor — [signature] — Date: 8/2/11

City Council Approval: (Stamp)

Transfer #2
August 8, 2011

City of Newburyport
FY 2012
BUDGET TRANSFER REQUEST

2 P 3:23

Department: POLICE DEPARTMENT
Submitted by: Thomas Howard, Marshal **Date Submitted:** 7/27/2011

Transfer From:

Account Name	Officer Salary	YTD Bal:	$ 1,734,109.98
Account Number:	01210001-51142	Trans In:	$ -
Amount:	$1,500.00	Trans Out:	$ -

An officer retired July 19, 2011, leaving extra funds in this account.

Transfer To:

Account Name	Evaluations	YTD Bal:	$ 30,000.00
Account Number:	01210001-51301	Trans In:	$ -
Amount:	$1,500.00	Trans Out:	$ -

Evaluations measure an officers performance. This is done in accordance to a particular scale designed for this score. All scores combimed exceeded the final budget amount and additional funding is required.

Donna D. Holaday, Mayor — Donna D. Holaday — Date: 8/2/11
William B. Squillace, Auditor — Date: 8/2/11
City Council Approval: (Stamp)

COMMUNICATIONS

Neurofibromatosis, Inc., Northeast
"The organization with the heart"
9 Bedford Street, Burlington, MA 01803
781-272-9936 ~ fax 781-272-9937
info@nfincne.org ~ www.nfincne.org

Communication #1
August 8, 2011

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA

2011 JUL 18 A 11:37

David Eisenstadt
David Fredrick
Henry Kay
Dianne McHale
David Rokoff
Lori Ryan, RN, MS
Robert Ryan
Jessica Wolfe, PhD

Karen Peluso
Executive Director

July 14, 2011

City Council
City Hall
PO Box 550
Newburyport, MA 01950

On behalf of Neurofibromatosis Northeast, I am seeking permission to include your city in our route for the upcoming Coast to the Cure bike ride. Coast to the Cure takes place on Saturday, September 10. The ride departs from Crane Beach, travels through Beverly, Ipswich, Wenham, Hamilton, Essex, Manchester, Georgetown, Topsfield, Merrimac and Newburyport, and finishes with a post ride barbeque at Steep Hill Beach on the Crane Estate. Proceeds from the event benefit Neurofibromatosis Northeast and support our mission of finding a cure and treatment for neurofibromatosis by promoting scientific research, creating awareness, and supporting those who are affected by NF.

The City of Newburyport Parks Commission has approved our request to use the parking lot at Cushing Park for a water stop from approximately 10am-2pm. We anticipate roughly 50 participants will be travelling through your city.

In addition to including Newburyport on our tour, we are also interested in strategically marking the road with arrows and posting signs on the more confusing parts of the route as to keep the riders on course. The signs will be removed promptly at the ride's conclusion. Please let us know if that is acceptable.

Thanks so much for your consideration.

Sincerely,

Sonja Nathan
Director of Special Events

Communication #2
August 8, 2011

Alliance
Alliance Energy LLC
A Global Partners LP Management Company
404 Wyman Street, Suite 425, Waltham, MA 02451
800-225-1927 781-674-7780 Fax: 781-674-7799

CLERK'S OFFICE
NEWBURYPORT, MA
2011 JUL 19 P 2:14

July 14, 2011

City of Newburyport
City Council
60 Pleasant Street
Newburyport, MA 01950
Attn: Richard B. Jones

VIA FIRST CLASS MAIL

RE: Underground Storage Tank Replacement and Expansion; 76 Storey Avenue, Newburyport, Massachusetts

Dear Mr. Jones:

I am writing on behalf of Global Companies LLC, as their managing agent, regarding the gas station Global owns at 76 Storey Avenue, Newburyport, MA. The underground storage tanks at that location are reaching their "end of life", prompting us to replace them in the near future. It would be very beneficial to us if during the replacement process we were able to expand the capacity of the underground storage tanks from 26,000 gallons to 32,000 gallons by replacing the current tanks with slightly larger tanks.

To date, we have received a favorable decision from the zoning board of appeals (a copy of which is enclosed) and have retained Ayoub Engineering to review our plan and oversee the proposed tank replacement. Additionally, we have been in contact with Deputy Bradbury of the Newburyport Fire Department and we are currently working with the fire department regarding the proposed work.

We greatly appreciate your review of our enclosed application. Please do not hesitate to contact Dan Berry, our environmental/maintenance manager with any questions. Dan can be reached at (781) 402-8883.

Best Regards,

Dante Deliso
Associate General Counsel

Enclosure

TD 10

CITY OF NEWBURYPORT
ZONING BOARD OF APPEALS
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4400 • (978) 465-4452 (FAX)
WWW.CITYOFNEWBURYPORT.COM

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA
2011 JUN 30 A 10:52

RECORD OF PROCEEDINGS AND DECISION FOR A USE VARIANCE

An application for a Use Variance for the following request:

replace existing single wall UG tanks with new double wall UG tanks with increased capacity from 26,000 gallons to 32,000 gallons and adding diesel fuel

was filed by **Global Companies, LLC c/o Anthony Guba, Ayoub Engineering**
414 Benefit St.
Pawtucket, RI 02861

2011072700341 Bk:30553 Pg:404
07/27/2011 03:19 DCSN Pg 1/3

for property owned by **Global Companies, LLC**

The application was filed at the City Clerk's Office on **6/2/2011** under the Zoning Ordinance Section X-H.3 Powers of the Board and Section **V.D Table of Uses**.

The application is for the premises at **76 Storey Avenue** in the **B1** Zoning District, as indicated in the Newburyport Assessor's Office as map and parcel **109-35** and recorded in the Essex South District Registry of Deeds as Book and Page **29752-587**. The newspaper notices for the public hearing were posted on **6/13/2011** and **6/20/2011** in the Newburyport Daily News.

A public hearing was held for the above application on **6/28/2011** at 7:15 p.m. at which time the Board heard the petition for a Use Variance. After the close of the hearing on **6/28/2011**, upon motion made by Member **Charles Ciovacco** and duly seconded by Member **Duncan LaBay**, the Board voted to APPROVE the petition for the Use Variance.

The following members present and voting, and voting as follows with respect to the petition:

Robert Ciampitti	Yes	Duncan LaBay	Yes
Jamie Pennington	Yes	Charles Ciovacco	Yes
Sean Leonard	Absent	Nat Coughlin, Alternate	Absent
Edward Ramsdell, Chair	Yes		

Having received the necessary two-thirds super majority vote or all the members of the ZBA, in accordance with M.G.L. c.40A, Section 10, as adopted, the petition for the Use Variance was therefore **APPROVED**.

This decision was filed with the Newburyport City Clerk on **6/30/2011** and sent registered mail to the applicant and by regular mail to the Parties in Interest and the abutting Municipalities.

FINDINGS

After the public hearing, in accordance with the criteria set forth in the City of Newburyport Zoning Ordinance Section X-H-6 Variances, the Newburyport Zoning Board of Appeals made the following findings:

1. Conditions and circumstances are related to the soil conditions, shape, topography of such land or structures especially affecting the property for which the Dimensional Variance is sought, and generally do not affect the Zoning District in which the property is located. The shape of this lot and the layout of the structure upon the lot create a unique set of problems.

2. There is a substantial hardship, financial or otherwise, which results from the literal enforcement of the applicable zoning restrictions with respect to the land or building for which the variance is sought. Adjacent and facing lots are non-conforming as to either one or more of setback, lot size and use.

3. Relief sought will be desirable and without substantial detriment to the public good. This additional use provides benefits to the owner and public through the provision of a new service without significant detriment.

4. Conditions and circumstances are unique to applicant's lot, structure, or building and do not apply to the neighboring lands, structures, or buildings in the same district. The shape of this lot and placement and design of the structure create a unique problem.

5. Strict application of the Ordinance would deprive the applicant of reasonable use of the lot, structure, or building in a manner equivalent to the use permitted to be made by other owners of their neighboring lands, structure, or structures in the same district. This additional use provides benefits to the owner and public through the provision of a new service without significant impact.

6. Relief sought may be given without nullifying or substantially derogating from the intent or purpose of the Ordinance.,

7. The unique conditions and circumstances are not the result of the actions of the applicant taken subsequent to the adoption of the Ordinance. The building predates the Ordinance by approximately 150 years.

8. Relief will not constitute a grant of special privilege inconsistent with the limitations upon other properties in the District. This relief is not inconsistent with that provided to other properties in the area.

CONDITIONS OF APPROVAL

The following conditions do not limit any other rights and remedies the City of Newburyport may have.

1. As a condition of the Variance, the petitioner shall record a certified copy of this Use Variance in the Essex South District Registry of Deeds and notify the Zoning Board of Appeals of such recording.

2. No Variance, or any extension, modification, or renewal thereof, can take effect until a copy of the decision bearing the certification of the City Clerk of Newburyport is recorded in the Essex County South Registry of Deeds under the name of the owner of record or is recorded and noted on the owner's certification of title. The fee for recording or registering shall be paid by the owner or applicant.

3. The decision will lapse if the Variance is not exercised within one year.

4. As a condition of approval, the construction and/or use of these premises shall conform to the plans, information, conditions, and any revisions as approved by the Zoning Board of Appeals. All approved plans and or documents shall bear the signature of a Zoning Board member and the stamp of the City Clerk indicating the date of filing of the plans with the decision.

5. In accordance with the approval of this Use Variance, the applicant shall not exercise any rights under this decision until the applicant supplies any additional required plans and information, as signed by a Zoning Board Member and recorded with the City Clerk and the Essex county South Registry of Deeds.

Special Conditions:

n/a

Undersigned chair of the Zoning Board of Appeals

Date: 6/30/2011

CERTIFICATION OF CITY CLERK

I, Richard Jones, City Clerk of the City of Newburyport, hereby certify pursuant to M.G.L. Chapter 40A, Section 17, that the decision for the property known as **76 Storey Avenue** was filed in the Office of the City Clerk on **6/30/2011**.

Pursuant to M.G.L. Chapter 40A, Section 11 this decision was also filed with the Newburyport Planning Board on **6/30/2011**.

Twenty (20) days have elapsed since the decision was filed and **NO APPEAL** has been filed. Appeals shall be made pursuant to M.G.L. Chapter 40A, Section 17 and filed within (20) twenty days after the date of filing of this decision in the Office of the City Clerk.

Newburyport City Clerk

Date: JUL 25 2011

FP-2
(Rev. 05-2009)

The Commonwealth of Massachusetts
City/Town of Newburyport

License

Massachusetts General Law, Chapter 148 §13

☐ New License ☒ Amended License

GIS Coordinates
LAT.
LONG.
License Number

After notice and hearing, and in accordance with Chapter 148 of the Mass. General Laws, a license is hereby granted to use the land herein described for the purposes described.

Location of Land: 76 Storey Ave.
Number, Street and Assessor's Map and Parcel ID

Owner of Land: Global Companies, LLC

Address of Land Owner: 404 Wyman St., Ste 425 Waltham, MA 02451

Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases. All tanks and containers are considered full for the purposes of licensing and permitting. (Attach additional pages if necessary.)

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, cubic feet	CONTAINER UST, AST, IBC, drums
Reg. Unl. Gas	1B	20,000	gal	UST
Super Unl. Gas	1B	compartmentalized 12,000 6,000	gal	UST
Diesel	II	6,000	gal	UST

Total: 26,000 gal Gasoline 6,000 gal Diesel

LP-gas *(Complete this section for the storage of LP-gas or propane)*

- Maximum quantity (in gallons) of LP-gas to be stored in aboveground containers: _____
  List sizes and capacities of all aboveground containers used for storage _____
- Maximum quantity (in gallons) of LP-gas to be stored in underground containers: _____
  List sizes and capacities of all underground containers used for storage _____

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks *(Complete this section for the storage of fireworks)*

- Maximum amount (*in pounds*) of Class 1.3G: _____
- Maximum amount (*in pounds*) of Class 1.4G: _____
- Maximum amount (*in pounds*) of Class 1.4: _____

Total aggregate quantity of all classes of fireworks to be stored: _____

THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICIOUSLY POSTED ON THE LAND FOR WHICH IT IS GRANTED.

Explosives *(Complete this section for the storage of explosives)*

- Maximum amount (*in pounds*) of Class **1.1**: _____ Number of magazines used for storage: _____
- Maximum amount (*in pounds*) of Class **1.2**: _____ Number of magazines used for storage: _____
- Maximum amount (*in pounds*) of Class **1.3**: _____ Number of magazines used for storage: _____
- Maximum amount (*in pounds*) of Class **1.4**: _____ Number of magazines used for storage: _____
- Maximum amount (*in pounds*) of Class **1.5**: _____ Number of magazines used for storage: _____
- Maximum amount (*in pounds*) of Class **1.6**: _____ Number of magazines used for storage: _____

Licensing Authority Use:

This license is granted upon the condition that the licensed activity will comply with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts General Law, Chapter 148, and the Massachusetts Fire Code (527 CMR) as amended. The license holder may not store materials in an amount exceeding the capacities herein specified unless and until any amended license has been granted.

ADDITIONAL RESTRICTIONS:

_____

_____

_____

_____

_____

_____

_____

Signature of Licensing Authority Title Date

THIS LICENSE OR A CERTIFIED COPY THEREOF MUST BE CONSPICIOUSLY POSTED ON THE LAND FOR WHICH IT IS GRANTED.

[redacted]

FP-2A
(Rev. 04-2010)

The Commonwealth of Massachusetts
City/Town of Newburyport

Application For License

Massachusetts General Law, Chapter 148 §13

☐ New License ☒ Amended License

GIS Coordinates
LAT.
LONG.
License Number

Application is hereby made in accordance with the provisions of Chapter 148 of the General Laws of Massachusetts for a license to store flammables, combustibles or explosives on land in buildings or structures herein described.

Location of Land: 76 Storey Ave
Number, Street and Assessor's Map and Parcel ID

Attach a plot plan of the property indicating the location of property lines and all buildings or structures.

Owner of Land: Global Companies LLC

Address of Land Owner: 404 Wyman St. Ste 425 Waltham MA 02451

Use and Occupancy of Buildings and Structures: Convenience Store

If this is an application for amendment of an existing license, indicate date of original license and any subsequent amendments

Attach a copy of the current license

Flammable and Combustible Liquids, Flammable Gases and Solids

Complete this section for the storage of flammable and combustible liquids, solids, and gases; see 527 CMR 14; Attach additional pages if needed. All tanks and containers are considered full for the purposes of licensing and permitting.

PRODUCT NAME	CLASS	MAXIMUM QUANTITY	UNITS gal., lbs, Cubic feet	CONTAINER UST, AST, IBC, drums
Reg NL Gas	1B	20,000	gal	UST
		~~6,000~~	~~gal~~	~~UST~~
Super NL Gas	1B	6,000		UST
		12,000 gallon split Tank		
Diesel	II	6,000	gal	UST

Total quantity of all flammable liquids to be stored: 32,000

Total quantity of all combustible liquids to be stored: _____

Total quantity of all flammable gases to be stored: _____

Total quantity of all flammable solids to be stored: _____

LP-gas *(Complete this section for the storage of LP-gas or propane)*

Indicate the maximum quantity of LP-gas to be stored and the sizes and capacities of all storage containers. *(See 527 CMR 6)*

- Maximum quantity (*in gallons*) of LP-gas to be stored in aboveground containers: _____

  List sizes and capacities of all aboveground containers used for storage: _____

  _____

- Maximum quantity (*in gallons*) of LP-gas to be stored in underground containers: _____

  List sizes and capacities of all underground containers used for storage: _____

  _____

Total aggregate quantity of all LP-gas to be stored: _____

Fireworks *(Complete this section for the storage of fireworks)*

Indicate classes of fireworks to be stored and maximum quantity of each class. *(See 527 CMR 2)*

- Maximum amount (*in pounds*) of Class 1.3G: _____ Type/class of magazine used for storage: _____
- Maximum amount (*in pounds*) of Class 1.4G: _____ Type/class of magazine used for storage: _____
- Maximum amount (*in pounds*) of Class 1.4: _____ Type/class of magazine used for storage: _____
- Total aggregate quantity of all classes of fireworks to be stored: _____

Explosives *(Complete this section for the storage of explosives)*

Indicate classes of explosive to be stored and maximum quantity of each class. *(See 527 CMR 13)*

- Maximum amount (*in pounds*) of Class 1.1: _____ Number of magazines used for storage: _____
- Maximum amount (*in pounds*) of Class 1.2: _____ Number of magazines used for storage: _____
- Maximum amount (*in pounds*) of Class 1.3: _____ Number of magazines used for storage: _____
- Maximum amount (*in pounds*) of Class 1.4: _____ Number of magazines used for storage: _____
- Maximum amount (*in pounds*) of Class 1.5: _____ Number of magazines used for storage: _____
- Maximum amount (*in pounds*) of Class 1.6: _____ Number of magazines used for storage: _____

I, _____, hereby attest that I am authorized to make this application. I acknowledge that the information contained herein is accurate and complete to the best of my knowledge and belief. I acknowledge that all materials stored pursuant to any license granted hereunder must be stored or kept in accordance with all applicable laws, codes, rules and regulations, including but not limited to Massachusetts Chapter 148, and the Massachusetts Fire Code (527 CMR). I further acknowledge that the storage of any material specified in any license granted hereunder may not exceed the maximum quantity specified by the license.

Signature _____ Date 7/28/11 Name DAN BOZZY

Fire Department Use Only

I, STEPHEN COTTER, Head of the NEWBURYPORT Fire Department endorse this application with my

☒ Approval ☐ Disapproval

Signature of Head of the Fire Department _____ Date 7-25-11

Recommendations: NEEDS FINAL APPROVAL FROM FIRE MARSHALS OFFICE

FP-2A (Rev. 04/2010)

Communication #3
August 8, 2011

JEANNE GEIGER CRISIS CENTER, INC.
saving lives • creating safer communities • ending domestic violence

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT

2011 JUL 22 A 10:20

July 20, 2011

Mr. Thomas F. O'Brien, City Council President
Newburyport City Council
60 Pleasant Street
Newburyport, MA 01950

Dear Mr. O'Brien and City Council Members,

Re: Jeanne Geiger Crisis Center's *20th Annual Walk Against Violence & Dorothy's Run 5K* Sunday, October 16, 2011

On behalf of the Jeanne Geiger Crisis Center, Inc., I am writing to notify the Newburyport City Council of our plans for the ***20th Annual Walk Against Violence & Dorothy's Run 5K***. On February 1, 2011, the Newburyport School Committee approved the Jeanne Geiger Crisis Center's request to hold our event at the Bresnahan School on **Sunday, October 16, 2011** from 8:00 AM – 4:00 PM. The Jeanne Geiger Crisis Center event committee is excited to be holding the event at the Bresnahan School.

For your approval, I have enclosed a copy of the proposed Walk/Run route. If you have any questions or need additional information, please contact Mimi Reeves, at 465-0999 X 14.

Our *Walk Against Violence & Dorothy's Run 5K* raises community awareness about domestic violence and funding in support our programs.

Thank you for your immediate attention to this matter. We look forward to your earliest response.

Sincerely,

Suzanne C Dubus

Suzanne C. Dubus
Executive Director

cc: Richard B. Jones, City Clerk

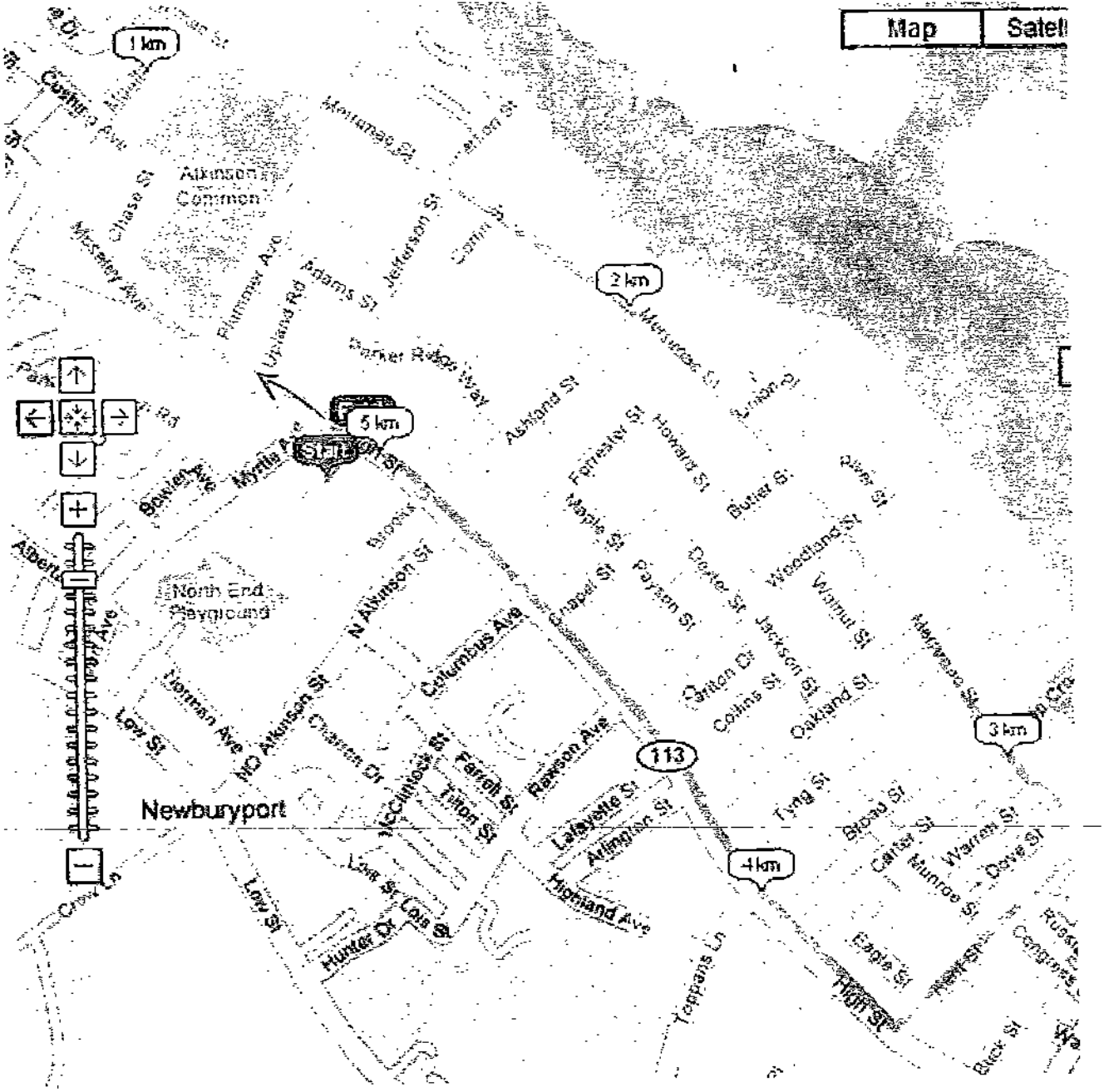
Enclosure

Two Harris Street
Newburyport, Massachusetts 01950
(978) 465-0999 • Fax (978) 465-7158
Administration & Education

24 Hour Hotline (978) 388-1888

www.jeannegeigercrisiscenter.org

Five Market Square, Suite 109
Amesbury, Massachusetts 01913
(978) 834-9710 • Fax (978) 834-0825
Client Services



5/25/2010 10:42 A

Communication #4
August 8, 2011

CITY OF NEWBURYPORT
OFFICE OF THE HARBORMAST

PAUL HOGG
HARBORMASTER

2011 JUL 27 P 12:12

TO: PRESIDENT THOMAS O'BRIEN AND CITY COUNCIL

FROM: PAUL HOGG HARBORMASTER

SUBJECT: NEW HARBORMASTER, FISH PIER DOCKS

DATE: 07/25/2011

This letter is to inform you that the new docks that Harbormaster Department replaced have been completed. I would like to invite any of you at your earliest convenience to visit my office for viewing. We are very excited about the quality and safety of the final product.

Respectfully Submitted

Paul Hogg
Newburyport Harbormaster
phogg@cityofnewburyport.com

Communication #5
August 8, 2011

August 8, 2011

President and members of the City Council,

Please find below a draft of an ordinance entitled "Ordinance for the Friends of the Highland Cemetery Commission" for review and discussion.

Ordinance for the Friends of the Highland Cemetery Commission

Establishment.
There is hereby established a Friends of the Highland Cemetery Commission for the purpose of assisting in preserving and enhancing the Highland Cemetery; in a shared stewardship with the public and municipal departments.

Board of Commissioners; term of office.
The Mayor shall appoint five (5) members to constitute the Board of Commissioners of Friends of the Highland Cemetery. Members must be residents and registered voters of the City and shall serve without pay. Each commissioner of said Commission shall be appointed for a term of not in excess of three (3) years and the appointments shall be made so that the terms of not more than two commissioners shall expire in a single year. The appointments shall be made on or before the first Monday of February. All members shall hold office until their respective successors are appointed. Additionally, the Mayor may from time to time appoint an ex-officio member.

Promulgation of Rules.
The Board of Commissioners of the Friends of the Highland Cemetery are hereby authorized to promulgate reasonable rules for the use by the public of Highland Cemetery. Such rules may include, but are not limited to, hours of use, conduct of visitors, and manners of use of certain areas. The Friends of the Highland Cemetery shall consult with the Mayor and City Council prior to such promulgation.

Financial Matters.
All money received for the account of the Friends of the Highland Cemetery Commission shall be deposited with the City Treasurer/Collector, in trust, subject to withdrawal by the majority of the Board of Commissioners only for expenditures on the Highland Cemetery; and the accounts of the Friends of the Highland Cemetery Commission shall be kept by the City Treasurer/Collector in such form and manner as the Commissioners may direct.

Annual Report of Commission.
The Board of Commissioners of the Friends of the Highland Cemetery shall make a report of their doings, receipts and expenditures to the thirtieth (30th) Day of September in each year, to the City Council, before the last Monday in October.

Respectfully submitted,

Robert J. Cronin

APPOINTMENTS

Appointment #1
August 8, 2011

CITY OF NEWBURYPO
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)

NEWBURYPORT, MA

2011 AUG -2 P 2:04

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Subject: Appointment

Date: August 2, 2011

I hereby appoint, subject to your confirmation, the following named individual as a member of the Local Historic District Study Committee. This is an Ad-Hoc Committee

Edward L. Ramsdell
32 Kent Street
Newburyport, MA 01950

END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

APPOINTMENTS
SECOND READING

Second Reading
Appointment #2
August 8, 2011

MAYOR'S APPOINTMENTS
AUGUST 8, 2010
SECOND READING

APPOINTMENTS

1. Brian Brunault 83 Garden St, W. Newbury Constable for Civil Business July 1, 2014

In City Council July 25, 2010
Motion to approve the Consent Agenda by Councillor Earls, seconded by Councillor Jones. 10 yes, 1 absent (Connell). So voted.

ORDERS

Order #1
August 8, 2011

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED: **Date:**

August 8, 2011

THAT THE CITY COUNCIL of the City of Newburyport hereby authorizes the placement of low granite marker approximately three feet by four feet in the southwesterly portion of the paved brick space between the Green Street parking lot and Inn Street.

It is understood that there will be an inscription recognizing the leadership by former Mayor Byron J. Matthews (1968 – 1977) who was Mayor during the city's dynamic rebirth and was essential to the renaissance of Newburyport.
It is further understood that this marker is made possible by the Downtown Improvement Group.

Councillor Barry N. Connell

Order #2
August 8, 2011

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED: **Date:**

August 8, 2011

THAT the City Council of the City of Newburyport on behalf of the City Youth Services Department accepts with gratitude the following donations:

$7,500.00	from the Newburyport 5 Cent Savings Charitable Foundation
$3,750.00	from the Institution for Savings

These funds have been donated to cover the cost of Youth Services annual van lease to support Teen Trips. The funds will be used to off set the price of programs and allow Youth Services to continue to provide high quality programming at reasonable rates as well as provide scholarships to families in need of assistance.

Councillor Ari Herzog

CITY OF NEWBURYPORT

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2011 JUL 27 A 8:46

July 26, 2011

Dear City Council,

NEWBURYPORT YOUTH SERVICES

ANDREA EGMONT
DIRECTOR OF YOUTH AND RECREATIONAL SERVICES

NEWBURYPORT CITY HALL

60 PLEASANT STREET

NEWBURYPORT, MA 01950

(978) 465-4434

I would like to ask you to accept the following donations on behalf of the city.

$7,500 from the Newburyport 5 Cent Savings Charitable Foundation
$3,750 from the Institution for Savings

These funds have been donated to cover the cost of our annual van lease to support our Teen Trips. The funds will be used to off set the price of programs and allow us to continue to provide high quality programming at reasonable rates as well as provide scholarships to families in need of assistance.

If you have any questions, please feel free to contact me at any time at 978-465-4434 or by email at aegmont@cityofnewburyport.com.

Sincerely,

Andrea Egmont
Director of Youth and Recreational Services
City of Newburyport, Youth Services

Order #3
August 8, 2011

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

Date:

August 8, 2011

THAT THE CITY COUNCIL of the City of Newburyport hereby authorizes the CPC to reallocate an appropriation of $20,000 to the Custom House Maritime Museum made August 9, 2010. The grant was requested and approved to complete a preliminary feasibility study examining the options for incorporating HVAC improvements, ADA access and auxiliary museum space into the building located at 25 Water Street.

Councillor Barry N. Connell

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2011 AUG -2 P 12:23

CUSTOM HOUSE MARITIME MUSEUM
REALLOCATION OF PREVIOUS CPA APPROPRIATION

The CPC recommends that the Council reallocate an appropriation of $20,000 to the Custom House Maritime Museum made August 9, 2010. The grant was requested and approved to complete a preliminary feasibility study examining the options for incorporating HVAC improvements, ADA access and auxiliary museum space into the building located at 25 Water Street. The Custom House Maritime Museum Building Committee recently approached the CPC to request a reallocation of this previous commitment to more immediate restoration projects.

The CPA category for this project is Historic Preservation.

Project Summary

The 1835 Custom House holds a prominent place in the City: physically, the building anchors Market Square and historically, it serves as a reminder of our maritime past. The building is also subject to a historic preservation restriction, held by the Newburyport Historical Commission.

The recommended reallocation of funding will more directly support historic preservation of the Custom House, including:

- Slate roof restoration and flashing repair;
- Masonry re-pointing and flashing at the four observatory chimneys;
- Observatory guardrail restoration;
- Building security assessment;
- Existing HVAC system repairs; and
- Basement window restoration for operability, moisture mitigation and ventilation improvements.

These "brick and mortar" type projects are in contrast to the previously approved grant to complete a feasibility study. The Maritime Museum hoped to better understand through the study the tradeoffs associated with making HVAC and ADA improvements with and without adding additional space to the building for programming or a potential new Visitor's Center, but found itself unable to undertake the project at the present time given recent turnover on both the staff and Building Committee and these more pressing restoration needs.

ORDINANCES

Second Reading
Ordinance #1
August 8, 2011

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

Date:

May 31, 2011

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED HEALTH AND SANITATION

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

Chapter 8	Health and Sanitation
Article 3	Solid Waste
Division 1	Generally
Section 8-83	Regulations

Delete (b).

Add:

(b)

(1) Commercial and residential disposable refuse in the downtown district, as defined in Section 8-81, must be placed in closed containers. All loose material shall be broken down and securely tied.

(2) Residential disposable refuse outside of the downtown district must be placed in closed containers or durable heavy bags and securely tied. All loose material shall be broken down and securely tied.

Councillor Ari B. Herzog

In City Council May 31, 2011
Motion to refer to Neighborhoods & City Services by Councillor Herzog, seconded by Councillor O'Connor Ives. 11 yes. So voted.

In City Council July 25, 2011
Motion to remove by Councillor Herzog, seconded by Councillor Jones. Motion to approve and order published by Councillor Herzog, seconded by Councillor Cameron. Roll call vote, 10 yes, 1 absent (Connell). So voted.

Second Reading
Ordinance #2
August 8, 2011

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

Date:

May 31, 2011

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 II Dogs
Section 3-26 Leash required

Delete Section 3-26 (b)
Delete Section 3-26 (c)

Add Section 3-26 (b)

Failure to comply with subsection (a) shall be punishable by the following schedule of fines:

(1) First offense $ 50.00

(2) Second offense 75.00

(3) Third and each subsequent offense 100.00

Councillor Ari B. Herzog

In City Council May 31, 2011
Motion to refer to Neighborhoods & City Services by Councillor Herzog, seconded by Councillor Derrivan. 11 yes. So voted.

In City Council July 25, 2011
Motion to remove by Councillor Herzog, seconded by Councillor Heartquist. Motion to approve and order published by Councillor Herzog, seconded by Councillor Heartquist. Roll call vote, 7 yes, 3 no (Derrivan, Jones, O'Brien), 1 absent (Connell). So voted.

Second Reading
Ordinance #3
August 8, 2011

CITY OF NEWBURYPORT

IN CITY COUNCIL

ORDERED:

Date:
July 11, 2011

AN ORDINANCE ENTITLED AN ORDINANE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

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

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

Amend to read (g)(2):

Zone 1: Includes the following streets or portions thereof designated: Green Street, on the west side running in a northerly direction from Washington Street for a distance of 100 ft.

Washington Street, on the north side running in a westerly direction from Green Street for a distance of 120 ft.

Pleasant Street, both sides from the property at 66 Pleasant Street to Titcomb Street

Councillor Robert J. Cronin

In City Council July 11, 2011
Motion to refer to Public Safety by Councillor Connell, seconded by Councillor Derrivan. 10 yes, 1 absent (Ives). So voted.

In City Council July 25, 2011
Motion to remove by Councillor Cronin, seconded by Councillor Derrivan. Motion to approve and be published by Councillor Cronin, seconded by Councillor Derrivan. 10 yes, 1 absent (Connell). So voted.