

CITY COUNCIL MEETING AGENDA - VERSION 1

April 29, 2013

Pole Hearing – 7:15 pm

National Grid and Verizon, Relocation of poles at the intersection of Spofford, Merrimac, and Moseley Streets due to the improvement project by the City of Newburyport, MA

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 8, 2013

(Approve)

7. TRANSFERS

1. DPS Highway Rsv App DPW Gas \$50,000 to DPS Highway Fuel & OIL \$50,000 (Approve)
2. Mayor Gen Fd Free Cash \$91,000 to DPS Street Lights \$51,000, to Bd Registrars Elections \$20,000, to Veterans Benefits \$20,000 (Budget & Finance)

8. COMMUNICATIONS

1. Letter regarding speeding traffic on Turkey Hill Road (Public Safety)
2. Nbpt Firefighters annual Fill the Boot Drive Aug. 1-3, 2013 (Approve)
3. Jeanne Geiger Crisis Ctr 23rd Annual Walk Against Domestic Violence Oct. 6, 2013 (Public Safety)
4. New Outdoor Seating Application Orange Leaf, 35 Market Square (License & Permits)
5. Renewal Outdoor Seating Application Anchor Stone Pizza, 44 State Street (License & Permits)

9. APPOINTMENTS - First Reading

Appointment

- | | | | |
|----------------------------|------------------------------|------------------------|--------------|
| 1. Jay R. Larcome | 4 Russell Terrace Ext. | Special Police Officer | |
| 2. Jody Fraser | 34 Storeybrooke Drive | Waterfront Trust | Feb. 1, 2016 |
| 3. Yvonne McQuilkin | 39 Purchase Street | Council on Aging | May 31, 2018 |
| 4. Christopher J. LeClaire | 570 Ocean Rd, Portsmouth, NH | Fire Chief | June 1, 2018 |

Re-Appointment

- | | | | |
|----------------------|------------------|--------------------------|---------------|
| 5. T. Bradley Duffin | 2 Cutting Drive | Harbor Commission | April 2, 2016 |
| 6. Joseph Cutrone | 21 Elmira Avenue | Ass't Inspector of Wires | Jan. 1, 2014 |
| 7. David Zinck | 6 Laurel Road | Electrical Inspector | Jan. 31, 2014 |
| 8. Paul Hogg | 4 Coltin Drive | Harbormaster | May 1, 2016 |

END OF CONSENT AGENDA

REGULAR AGENDA

10. APPOINTMENTS - Second Reading

Appointment

- | | | | |
|---------------------|-----------------|----------------------------|-----------------|
| 9. Erin Moon LaRosa | 8 Wildwood Dr | Open Space Committee | |
| 10. Gary Gorski | 28 Magnolia St. | Library Board of Directors | January 1, 2020 |

Re-Appointment

11. Judy Tymon

39 Lime St.

Nbpt Affordable Housing Tr

April 1, 2014

11. ORDERS

- 1. Adopt order of taking of temp. and permanent easements, Virginia Lane and Storeybrooke Road
- 2. Adopt order of taking Moseley Ave., Spofford St., and Merrimac St.

12. ORDINANCES

- 1. Amend Zoning Ord. Sec. V add V-6 Temporary Moratorium on Medical Marijuana Treatment Ctr
- 2. Amend Sec. 13-176.1 30 minutes High St. from Ashland St. and west
- 3. Amend Ch. 13 Article IV Div 6 Sec. 13-179 Handicapped Parking Strong Street

13. COMMITTEE ITEMS

Budget & Finance

In Committee:

- 1. Mid-Year Report
- 2. DPS-Sewer I/I Reduction Prog. \$100,000 to CIP-Plum Island Alarm Syst \$100,000 *09/10/2012
- 3. Mayor Gen Fd Free Cash \$94,000 to School Dept. \$94,000 *03/12/2013

General Government

In Committee:

- 1. Campaign Finance Reports – Municipal Forms website posting *05/14/2012
- 2. Ordinance Review Committee Ordinances to be revised *01/14/2013

Joint Education

In Committee:

- 1. Letter regarding World War II Memorial Stadium *10/23/2012
- 2. NHS Baseball Alumni Assoc. re loss of baseball field *11/26/2012

License & Permits

In Committee:

- 1. Andiamo Restaurant Outdoor Seating Application *03/26/2013

Neighborhoods & City Services

In Committee:

- 1. Amend Ord. 3-27 Animals, dogs, Licensing of dogs and kennels *06/25/2012
- 2. Letter re naming park bench in memory of Mayor George H. Lawler *04/08/2013

Planning & Development

In Committee:

- 1. Communication regarding Zoning Changes on Storey Avenue *05/29/2012
- 2. Order Cushing Park land transfer to Mayor for Municipal Parking *06/25/2012
- 3. ORD Ch. 16 Sec.5 Local Historic District *09/24/2012
- 4. ORD Ch. 5 Article X Building Demolition *09/24/2012
- 5. Request for Discontinuance of Westerly Side of Harnch's Way *11/13/2012
- 6. Revising Demolition Delay *11/26/2012
- 7. Downtown Historic District/Demolition Control District *11/26/2012
- 8. Open Space & Recreation Plan Update – Final Plan *03/26/2013
- 9. 2013 Demolition Delay *03/26/2013

Public Safety

In Committee:

- 1. Amend Ord. 10-9 Miscellaneous offenses – use or consumption of marijuana *11/28/2011
- 2. Amend Ord. 13-180 Parking Resident Harris St. *01/30/2012
- 3. Community Giving Tree of Boxford donation box *04/30/2012

- | | |
|--|-------------|
| 4. Order Yankee Homecoming Parade | *06/25/2012 |
| 5. Parking, Russell Terrace, No Parking, 50 feet from Storey Ave | *08/27/2012 |
| 6. ORD Ch. 2 Sec.358.Fingerprint Criminal History Checks | *09/24/2012 |
| 7. Neurofibromatosis Northeast Annual Coast To Cure Sept. 7, 2013 | *03/26/2013 |
| 8. Pan-Merrimack Challenge use of City streets June 15, 2013 | *03/26/2013 |
| 9. Nbpt Youth Services Market Square fundraising May 25 and Aug. 3, 2013 | *04/08/2013 |

Public Utilities

Rules Committee

14. GOOD OF THE ORDER

15. ADJOURNMENT

POLE HEARING

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
Questions contact – John Butler-978-725-1413

PETITION FOR JOINT OR IDENTICAL POLE LOCATIONS

2013 APR -9 P 3: 23

North Andover, Massachusetts

To The City Council
Of Newburyport Massachusetts

NATIONAL GRID and Verizon New England, Inc requests permission to locate poles, wires, and fixtures, including the necessary sustaining and protecting fixtures, along and across the following public way:

Merrimac St- Relocation of poles at the intersection of Spofford, Merrimac, and Moseley due to improvement project by the City of Newburyport MA
Location approximately as shown on plan attached

Wherefore it prays that after due notice and hearing as provided by law, it be granted a location for and permission to erect and maintain poles and wires, together with such sustaining and protecting fixtures as it may find necessary, said poles to be erected substantially in accordance with the plan filed herewith marked – Merrimac St-Newburyport Massachusetts

13471099 March 22, 2013

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

Your petitioner agrees to reserve space for one cross-arm at a suitable point on each of said poles for the fire, police, telephone, and telegraph signal wires belonging to the municipality and used by it exclusively for municipal purposes.

NATIONAL GRID
BY Jay Dur 
Engineering Department

VERIZON NEW ENGLAND, INC.
BY Robert Coutte
Manager / Right of Way

TOWN

Questions contact – John Butler-978-725-1415

ORDER FOR JOINT OR IDENTICAL POLE LOCATIONS

To the City Council of Newburyport Massachusetts

Notice having been given and public hearing held, as provided by law,
IT IS HEREBY ORDERED:

that NATIONAL GRID and VERIZON NEW ENGLAND INC. (formerly known as NEW ENGLAND TELEPHONE AND TELEGRAPH COMPANY) be and they are hereby granted joint or identical locations for and permission to erect and maintain poles and wires to be placed thereon, together with such sustaining and protecting fixtures as said Companies may deem necessary, in the public way or ways hereinafter referred to, as requested in petition of said Companies dated the 22nd day of March 2013.

All construction under this order shall be in accordance with the following conditions:

Poles shall be of sound timber, and reasonable straight, and shall be set substantially at the points indicated upon the plan marked – Merrimac St- Newburyport Massachusetts

13471099 Dated March 22, 2013. Filed with this order

There may be attached to said poles by NATIONAL GRID and Verizon New England Inc. such wires, cables, and fixtures as needed in their business and all of said wires and cables shall be placed at a height of not less than twenty (20) feet from the ground.

The following are the public ways or part of ways along which the poles above referred to may be erected, and the number of poles which may be erected thereon under this order:

Merrimac St- Relocation of poles at the intersection of Spofford, Merrimac, and Moseley due to improvement project by the City of Newburyport MA

Also for permission to lay and maintain underground laterals, cables, and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

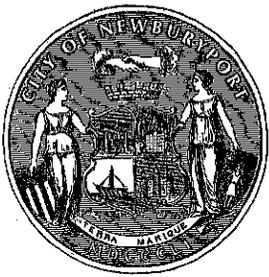
I hereby certify that the foregoing order was adopted at a meeting of the
of the City/Town of _____, Massachusetts held on the _____ day of _____ 20 .

Massachusetts

City/Town Clerk.
20 .

Received and entered in the records of location orders of the City/Town of
Book _____ Page _____

Attest:



CITY OF NEWBURYPORT

OFFICE OF THE
ASSESSOR

DANIEL RAYCROFT
CITY ASSESSOR

NEWBURYPORT CITY HALL
60 PLEASANT STREET
NEWBURYPORT, MA 01950

TEL: 978-465-4403

FAX: 978-462-8495

WWW.CITYOFNEWBURYPORT.COM

April 9, 2013

TO: Richard Jones, City Clerk

FROM: Board of Assessors

**RE: Merrimac Street – Relocation of poles at the
intersection of Spofford, Merrimac, & Moseley Streets
due to improvement project of the roundabout.**

**The attached are the abutters to the above described
location:**

Daniel Raycroft

71/ 13/ / /

CANEPA RICHARD L
CANEPA BEVERLY A T/E
19 SPOFFORD STREET
NEWBURYPORT, MA 01950

71/ 42/ / /

HURLEY MARY BETH
DAVID P BARR T/E
20 SPOFFORD ST
NEWBURYPORT, MA 01950

71/ 43/ / /

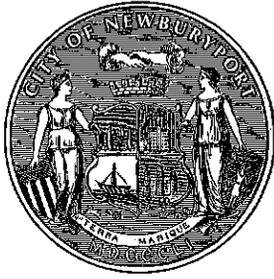
ARCAND RAYMOND R JR
KRISTEN ERINN T/E
16 SPOFFORD ST
NEWBURYPORT, MA 01950

72/ 13/ / /

NULTY NICHOLAS R
571 MERRIMAC ST
NEWBURYPORT, MA 01950

72/ 21/ / /

MARTIN JEAN TRUSTEE
BEC REALTY TRUST
86 FERRY RD
NEWBURYPORT, MA 01950



CITY OF NEWBURYPORT
MASSACHUSETTS
CITY CLERK'S OFFICE
NEWBURYPORT CITY HALL
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
TEL: 978-465-4407 • FAX: 978-462-7936

RICHARD B. JONES
CITY CLERK

April 9, 2013

Dear Property Owner:

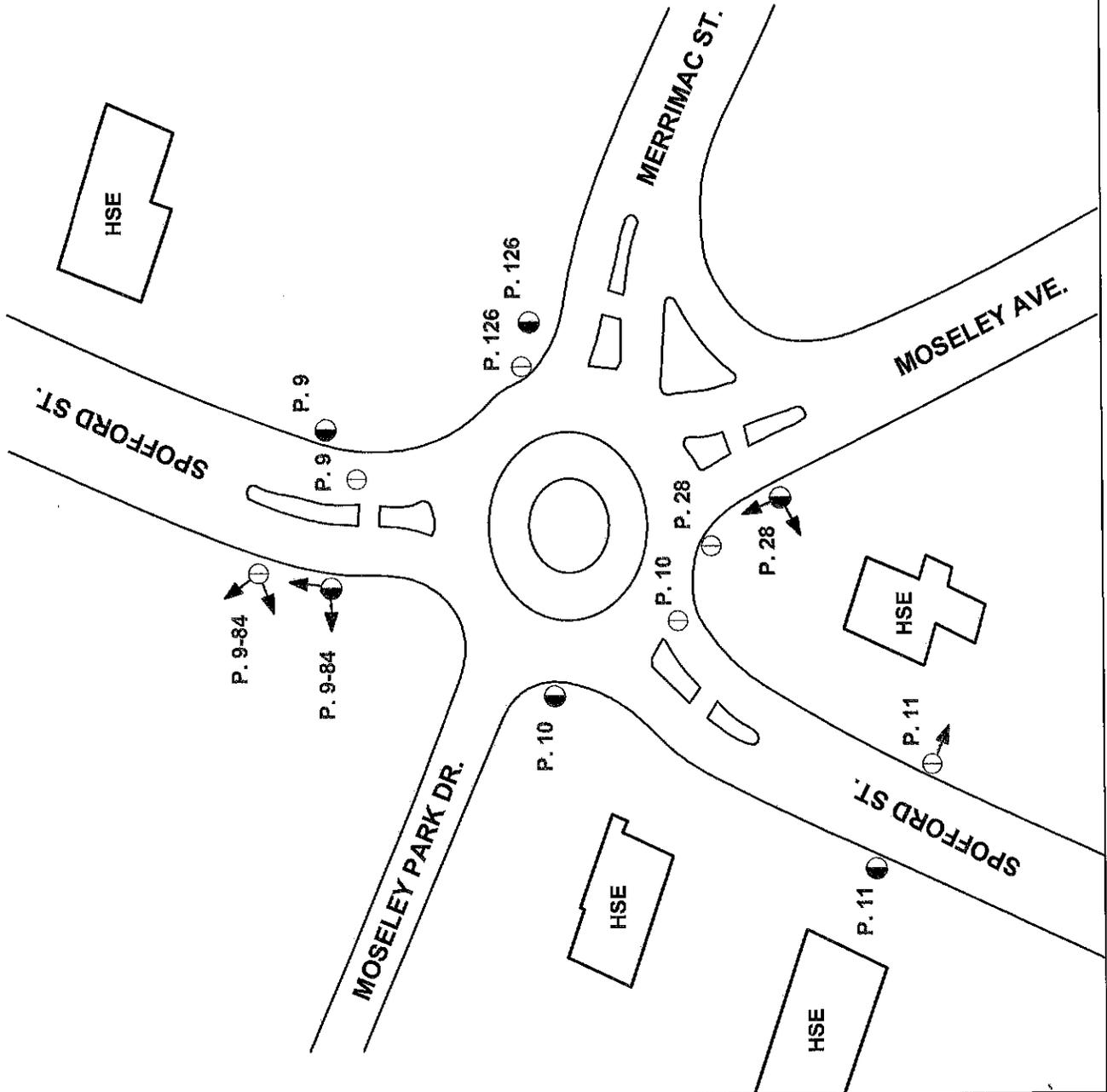
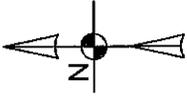
Notice is hereby given that a public hearing will be held on the petition of National Grid and Verizon New England Inc., for relocation of poles at the intersection of Spofford, Merrimac and Moseley Streets due to improvement project . Said hearing will be held on Monday, April 29, 2012 at 7:15 pm in the City Council Chamber, City Hall, Newburyport, MA. At that time, all interested parties will have an opportunity to be heard.

A copy of the plan is enclosed.

Sincerely,

Tricia E. Barker
Assistant City Clerk

Sketch to Accompany Petition for: Relocation of poles at the intersection of Spofford, Merrimac and Moseley due to improvement project by the City of Newburyport, MA.



LEGEND

- Proposed JO Pole
- ⊙ JO Anchor & Guy
- ⊕ Existing JO Pole

nationalgrid	
PETITION SKETCH 7 MERRIMAC STREET NEWBURYPORT, MA 01950	
Scale: NTS Date: 3/11/2013 Vn By: M Mirandas Approved By:	Aatrix Drawing Number 13471099

nationalgrid

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2013 APR -9 P 12: 05

April 8, 2013

**OFFICE OF THE CITY CLERK
60 PLEASANT STREET
PO BOX 550
NEWBURYPORT, MA 01950**

Phone: (978) 465-4407

Fax: (978) 462-7936

Email: rjones@cityofnewburyport.com

Website: <http://www.cityofnewburyport.com/>

To Whom It May Concern:

Enclosed please find a petition of NATIONAL GRID and VERIZON, covering joint NATIONAL GRID-VERIZON pole location(s)

If you have any questions regarding this permit please contact:

Tammy Saporito -781-907-3485

Please notify National Grid's Maureen Miloro of the hearing date / time

If this petition meets with your approval, please return an executed copy to each of the above named Companies.

National Grid Contact: Maureen Miloro, 1101 Turnpike Street; North Andover, MA 01845

Very truly yours,


Jay Dwyer
Supervisor, Distribution Design

Enclosures

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES - VERSION 1

April 8, 2013

7:30 PM

Council President O'Brien called the meeting to order at 7:32 pm. A moment of silence was held for Joan (Carroll) Rogers former employee of the Planning office. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Connell, Cronin, Derrivan, Earls, Heartquist, Herzog, Hutcheson, Jones, Sullivan and O'Brien. 10 present, 1 absent (Cameron).

1. LATE FILES – Communication #4 and Version 2 of the Agenda

Motion to suspend the rules and allow the late file by Councillor Jones, seconded by Councillor Earls. So voted.

2. PUBLIC COMMENT - None

CONSENT AGENDA

3. APPROVAL OF MINUTES

March 26, 2013

(Approved)

4. TRANSFERS

1. Auditor Ins. Claims RSVAPP \$2,393 to PD Maint Veh \$1,393, to DPS HW Citywide Maint. \$1,000 (Approved)

2. Mayor Gen'l Fd Free Cash \$2,200 to Mayor Misc. Expense \$2,200 (Removed)

Motion to remove by Councillor Cronin.

5. COMMUNICATIONS

1. Letter re naming park bench in memory of Mayor George H. Lawler (N&CS)

2. Letter re Governor's appointment to Newburyport Housing Authority (Receive & File)

3. Nbpt Youth Services Market Square fundraising May 25 and Aug. 3, 2013 (Public Safety)

6. APPOINTMENTS - First Reading

Appointment

1. Erin Moon LaRosa 8 Wildwood Dr Open Space Committee

2. Gary Gorski 28 Magnolia St. Library Board of Directors January 1, 2020

Re-Appointment

3. Judy Tymon 39 Lime St. Nbpt Affordable Housing Tr April 1, 2014

END OF CONSENT AGENDA

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

7. TRANSFERS

2. Mayor Gen'l Fd Free Cash \$2,200 to Mayor Misc. Expense \$2,200

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

6. COMMUNICATIONS

4. LATE FILE - Outdoor Seating Renewal for Agave Mexican Bistro

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

Councillors requested that for all Outdoor Seating applicants, the Clerk's Office maintain a record of any complaints.

10. ORDERS

9. Resolution Public Service Recognition Week 2013

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

11. COMMITTEE ITEMS

Planning & Development

Councillor Jones stated there is a committee meeting to discuss the first 7 items on Thursday at 5:00pm.

12. GOOD OF THE ORDER

13. ADJOURNMENT

Motion to adjourn at 7:46pm by Councillor Cronin, seconded by Councillor Connell. So voted.

TRANSFERS



City of Newburyport

FY 2013

BUDGET TRANSFER REQUEST

Transfer #2
April 29, 2013

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2013 APR 23 P 2:08

Department: Mayor

Submitted by: Mayor Holaday

Date: 4/23/2013

Transfer From:

Account Name	General Fund - Free Cash	YTD Bal: \$	1,724,922.05
Account Number:	01-35900	Trans In: \$	-
Amount:	\$91,000.00	Trans Out \$	517,028.95

Why are Funds Available: *The Mass Dept of Revenue has certified Free Cash for FY 2013 at \$2,241,951*
Funds are available for any legal expenditure with the recommendation of the Mayor and a majority vote of the City Council. In addition to this transfer request, a request of \$94,000 for the School Dept. is still pending before the City Council.

Transfer To:

Account Name	DPS- Street Lights	YTD Bal: \$	(14,021.39)
Account Number:	01421002-52103	Trans In: \$	19,580.00
Amount:	\$51,000.00	Trans Out \$	-

Why are Funds Required: *Planned savings from the procurement of street lights was initiated later than anticipated. Future savings will reduce FY2014 street light costs.*

Transfer To:

Account Name	Board Registrars - Elections	YTD Bal: \$	8,379.67
Account Number:	01163007-57808	Trans In: \$	3,900.00
Amount:	\$20,000.00	Trans Out \$	-

Why are Funds Required: *To pay for bills associated with the US Senate primary and final elections to be held on April 30, 2013, and June 25, 2013. This was an unanticipated expense due to resignation of Senator Kerry, who was appointed Secretary of State.*

Transfer To:

Account Name	Veterans - Veterans Benefits	YTD Bal: \$	24,646.46
Account Number:	01543007-57700	Trans In: \$	42,000.00
Amount:	\$20,000.00	Trans Out \$	-

Why are Funds Required: *In order to pay veterans benefits through year-end, plus expenses associated with a Veterans burial, an estimated additional \$20,000 will be required through fiscal year-end. The City will be reimbursed 75% of this expense from the State. This is a variable expense that has increased significantly due to veterans returning home from military conflicts abroad.*

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

Donna D. Holaday
William B. Squillace

Date: 4/23/13

Date: 4/23/13

COMMUNICATIONS

3/22/2013

•••

Stephen Perrucci
70 Turkey Hill Road
Newburyport, MA 01950

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

Re: Traffic Calming on Turkey Hill Road

Dear City Council of Newburyport,

I am a resident of 70 Turkey Hill Road and I am writing you to express several of my concerns regarding the speed of traffic and commercial use of Turkey Hill Road.

As I am sure you know, Turkey Hill Road is a thoroughfare of the West End of Newburyport from Storey Avenue to Hale Street and Plummer Spring Road to West Newbury. Many residents of neighboring streets use Turkey Hill Road to and from their homes. Additionally, Turkey Hill road is extensively used by pedestrians, dog-walkers, runners, cyclists and children for recreational purposes. Many school-aged children also use this road accessing their school buses.

Turkey Hill Road is a narrow, single lined traffic flow road with no shoulder areas. The current posted speed limit is 30 mph. Since I live on Turkey Hill Road, I am very aware of the traffic climate. Although I have observed many law abiding drivers, I have also observed periods of heavy traffic flow of vehicles traveling at speeds in excess of the current posted speed limit. I have also witnessed Newburyport Police patrolling the road but seldom see the speed limit enforced in this thickly settled area. It is my opinion that the posted speed limit is too high and needs to be lowered. Lowering the accepted speed limit is the right decision to make this area safer and will reduce road noise. Lowering the speed limit to 25mph is consistent with other areas of Newburyport and would make a significant difference.

An additional problem is the commercial and commuter use of Turkey Hill Road to and from the industrial area off of Hale Street. The road is frequently used by 53' tractor-trailer trucks and other commercial vehicles to access the industrial park area. It is my understanding that this is not permitted however commercial use of Turkey Hill Road continues to be a significant problem. Commuters also use our road to access the industrial park off of Hale Street, and they frequently go 10-20 miles over the speed limit. Turkey Hill Road is a residential neighborhood

Stephen Perrucci

70 Turkey Hill Road

• • •
• • •

and is not suited for such commercial or commuter traffic. This unintended use causes avoidable wear of our road and protects the bordering trees of the road, which give this neighborhood its character, not to mention making the road significantly unsafe for its residents.

I ask that the elected City Councilors with authority of the traffic ordinances and regulations governing Turkey Hill Road review my concerns and take the appropriate corrective actions. I would ask that in this review the following measures be considered and placed into effect for the purpose of traffic calming and increasing the safety of Turkey Hill Road for the benefit of our residents and children.

- Perform a traffic calming study for Turkey Hill Road to determine feasibility of options.
- Decrease posted speed limit from 30mph to 25mph. This is consistent with other residential areas, such as Daniel Lucy Way.
- Establish several STOP signs on Turkey Hill Road (or other traffic calming measures) at multiple intersections to break the flow of traffic and to discourage commercial use.
- Posting of signs at each end of Turkey Hill Road that state commercial traffic is prohibited.
- Public notice to industrial park businesses that commercial access via Turkey Hill Road is prohibited.
- Increase traffic monitoring by City of Newburyport police department to enforce above actions.

I appreciate your time in considering this matter. I understand there are many other issues facing the City at this time and there may be barriers present to effect these changes. As a father of a young child and one on the way, I am very troubled with this issue and am very determined in seeing the safety of Turkey Hill Road improved and the discouragement of further commercial use. Speaking with some of my neighbors, I know I am not alone with these concerns. I firmly believe actions are necessary to prevent further degradation of the safety of our children and pedestrians and the quality of life for this community. I am certainly open to hearing your thoughts on this subject or other options and would greatly appreciate a response to my letter. I can be reached by my mailing address above, e-mail at stephen.perrucci@gmail.com or by phone at 978-255-2922.

Respectfully,



Stephen Perrucci



Communication #2
April 29, 2013

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2013 APR 10 A 11: 57

Newburyport Firefighters Local 827
International Association of Firefighters
0 Greenleaf Street
Newburyport, MA 01950

To: Newburyport City Council

April 10, 2013

The Newburyport firefighters would like to ask permission to hold it's annual Fill-The-Boot Drive for the Muscular Dystrophy Association during the 2013 Yankee Homecoming Celebration. The location will be Market Square on August 1, 2, and 3rd. All proceeds collected go directly to MDA. Thank you for your continued support.

Firefighter Michael Kent

MDA Chairman

Contact Info: Newburyport Fire Dept : 978-465-4427

Michael Kent: 978-360-1361



**JEANNE GEIGER
CRISIS CENTER, INC.**

saving lives • creating safer communities • ending domestic violence

Communication #3
April 29, 2013

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2013 APR 19 A 10:06

April 18, 2013

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 *23rd Annual Walk Against Domestic Violence*
Sunday, October 6, 2013

On behalf of the Jeanne Geiger Crisis Center, Inc., I am writing to notify the Newburyport City Council of our plans for the **23rd Annual Walk Against Domestic Violence**. On Sunday, October 6, 2013, to be held in the parking lot of Mark Richey Woodworking, adjacent to the Newburyport Rail Trail. We have received approval from Mr. Richey to hold our event at Mark Richey Woodworking, 40 Parker Street, Newburyport, MA. on **Sunday, October 6, 2013** from 8:00 AM to 12:00 PM. The Jeanne Geiger Crisis Center event committee is excited to be holding the event at the Bresnahan School again this year.

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 Kelly Majewski, at 465-0999.

October is Domestic Violence Awareness Month and Our *Walk Against Domestic Violence* 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
Executive Director

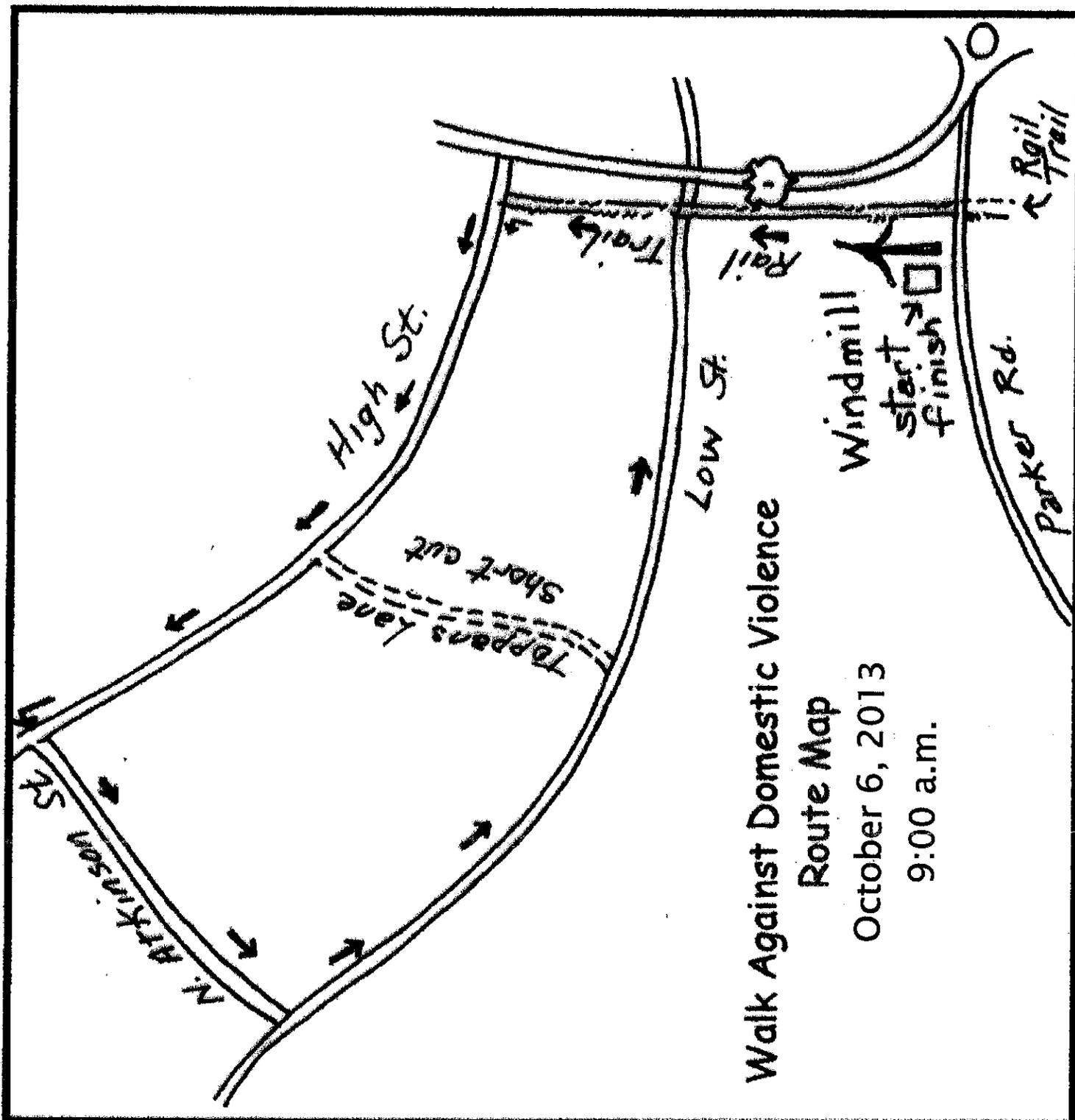
cc: Richard B. Jones, City Clerk

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



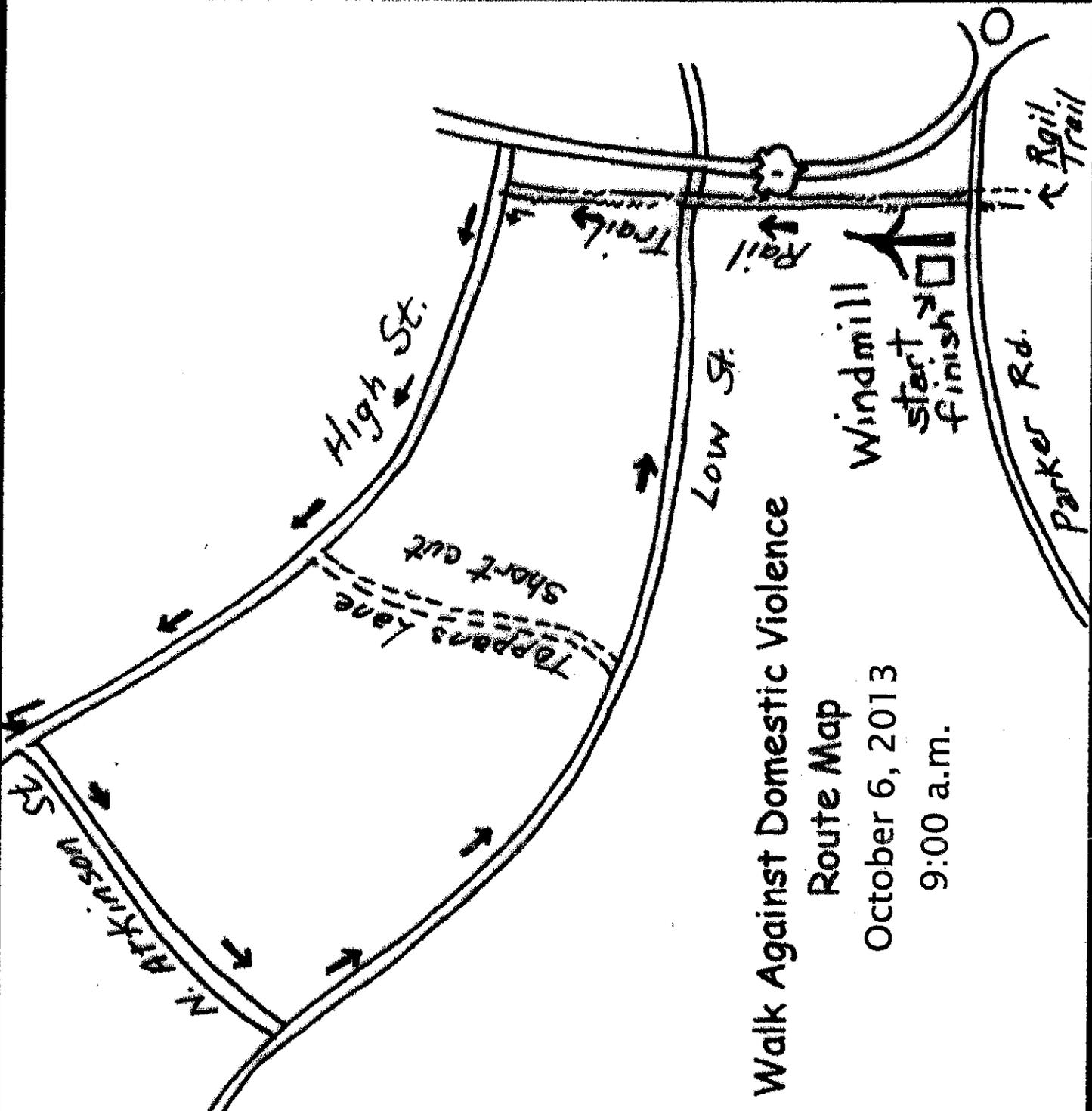
Walk Against Domestic Violence

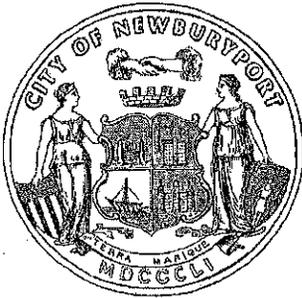
Route Map

October 6, 2013

9:00 a.m.

Windmill
start
finish





RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

NEW FILING
RENEW

2013 APR 23 A 8:24
Application

Food Establishment Outdoor Seating on Public Property

Date: 4/18/13

Name of Business Owner: Dave Pierre

Name of Property Owner: Dave Pierre

Business Name: Orange Leaf

Business Address: 35 Market Square Business Telephone: 978-462-3400

Number of Tables Requested: 4 Dimensions: 41" round Material: cast metal

Number of Chairs Requested: 16 Dimensions: 33" Height Material: cast metal

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

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

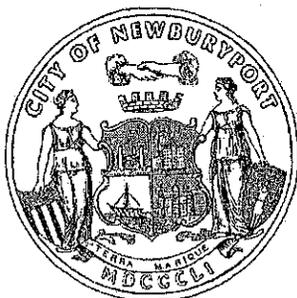
Application Requirements

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 1/2 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.

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.

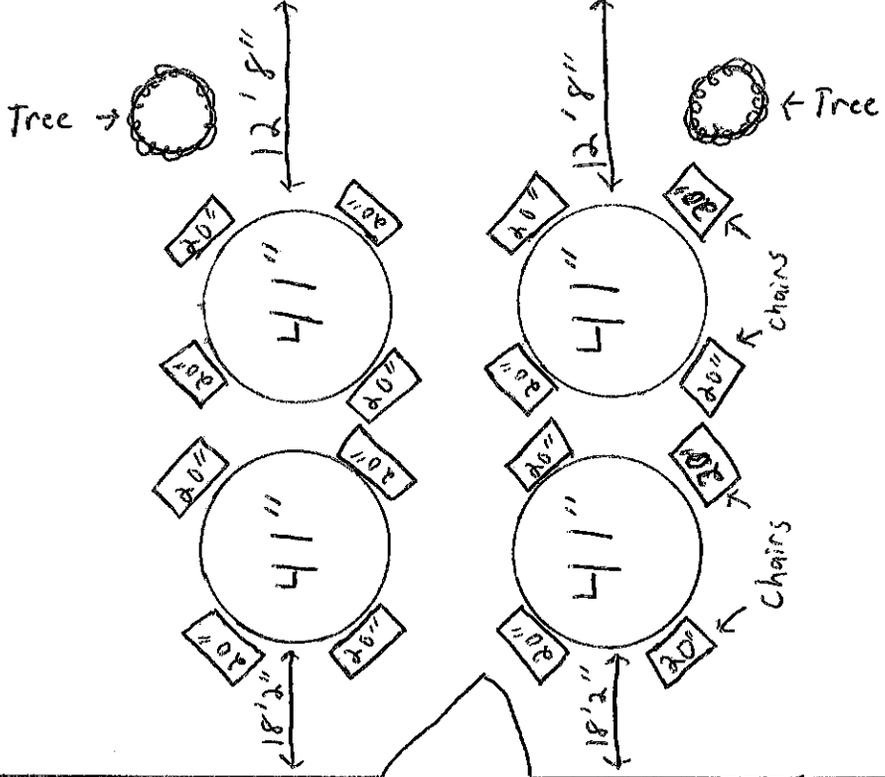
Dave Pierre

Signature of Business Owner

K.R.J.
4/15/13

39'-8"

Edge of Steps



Kitchen Exit

35 Market Square

Store Front
↓ ↓

Entrance/Exit

Entrance/Exit

○ ← Light Post

Edge of Curb

Orange Leaf Frozen Yogurt

window

window

window



2013 Licenses

State of Massachusetts

- Common Victualler License
 - **Expires December 21, 2013**

- New and Renewal Certificate of Inspection
 - **Expires June 28, 2013**

- Newburyport Health Department
 - **Expires August 13, 2013**

- Newburyport Victualler License
 - **Expires December 21, 2013**

NUMBER

49

THE COMMONWEALTH OF MASSACHUSETTS

FEE
\$300.00

City

of

Newburyport

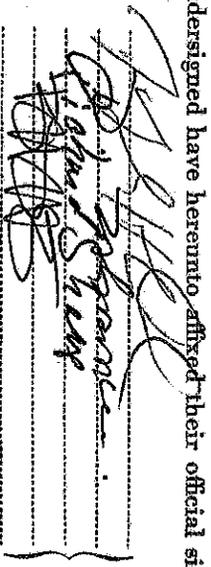
This is to Certify that ... Orange Leaf Frozen Yogurt

35 Market Square

**IS HEREBY GRANTED A
COMMON VICTUALLER'S LICENSE**

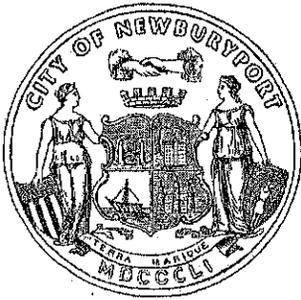
in said premise and at that place only and expires
December thirty-first 20 13 unless sooner suspended or revoked for violation of the laws of
the Commonwealth respecting the licensing of common victuallers. This license is issued in
conformity with the authority granted to the licensing authorities by General Laws, Chapter 140,
and amendments thereto.

In Testimony Whereof, the undersigned have hereunto affixed their official signatures.



Licensing
Authorities

December 12 20 12



RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

NEW FILING _____
RENEW

+ ALCOHOL

City of Newburyport

2013 APR 23 A 9:18

Application

Food Establishment Outdoor Seating on Public Property

Date: 4/20/13

Name of Business Owner: MARK & JENN TRAMONTANA

Name of Property Owner: 42-44 STATE STREET NOMINEE TRUST

Business Name: ANCHOR STONE DECK PIZZA (FORMERLY "UPPER CRUST")

Business Address: 44 STATE ST Business Telephone: 463-3313

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.

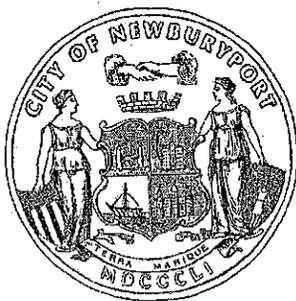
Applicant requests approval of outdoor seating for food *and* alcohol consumption.

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 1/2 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.

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

Outdoor Seating Information for Anchor Stone Deck Pizza

This is a re-application for the same tables, chairs, & stanchions that have been used for the past few years (while under the name "The Upper Crust").

This packet includes:

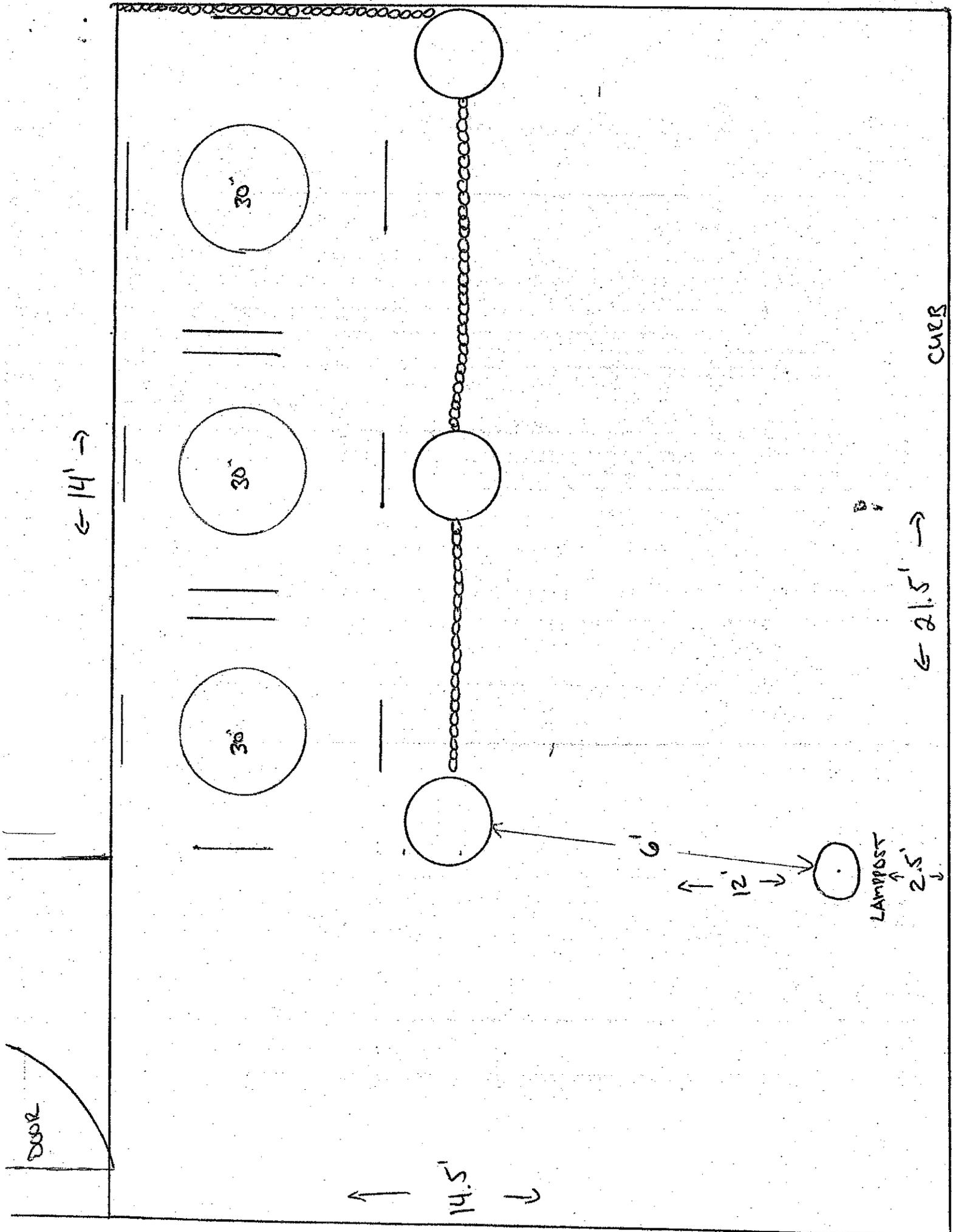
- Diagram & measurements of the sidewalk & tables, as well as the use & location of plastic stanchions to create a demarcated area for alcohol service
- Images & measurements of the tables & chairs
- Image of the stanchions

On Monday, April 8th, 2013, we received approval from the Newburyport Licensing Commission for outdoor liquor service. This has been sent to the ABCC for their approval. We are therefore asking that the City Council grant us conditional approval for alcohol service, contingent upon also receiving final approval from the ABCC.

Please feel free to contact us with any questions.

Regards,

Jenn & Mark Tramontana
978-499-3727



Door

← 14' →

30

30

30

↑ 14.5' ↓

↑ 12' ↓

6'

LAMPPOST

↑ 2.5' ↓

← 21.5' →

CURS

Espresso (steel)

SIDE CHAIR

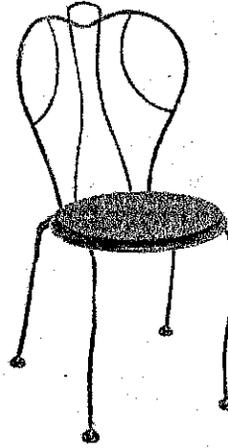
Height: 34.5" Width: 18" Depth: 22"
Seat Height: 18"

Stackable

Available in:

- Padded Seat.....Product # 90590-PD
- Starburst Seat.....Product # 90590-ST

 [Download Collection Sheet](#)



Items in this collection



Side Chair



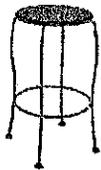
Café Chair



Swivel Balcony Stool



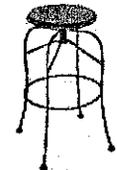
Swivel Balcony Stool



Bar Stool



Bar Stool



Swivel Bar Stool



Swivel Bar Stool

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[In the News](#)
[Pressroom](#)
[History](#)
[Catalog Archive](#)

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

REPLACEMENTS

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

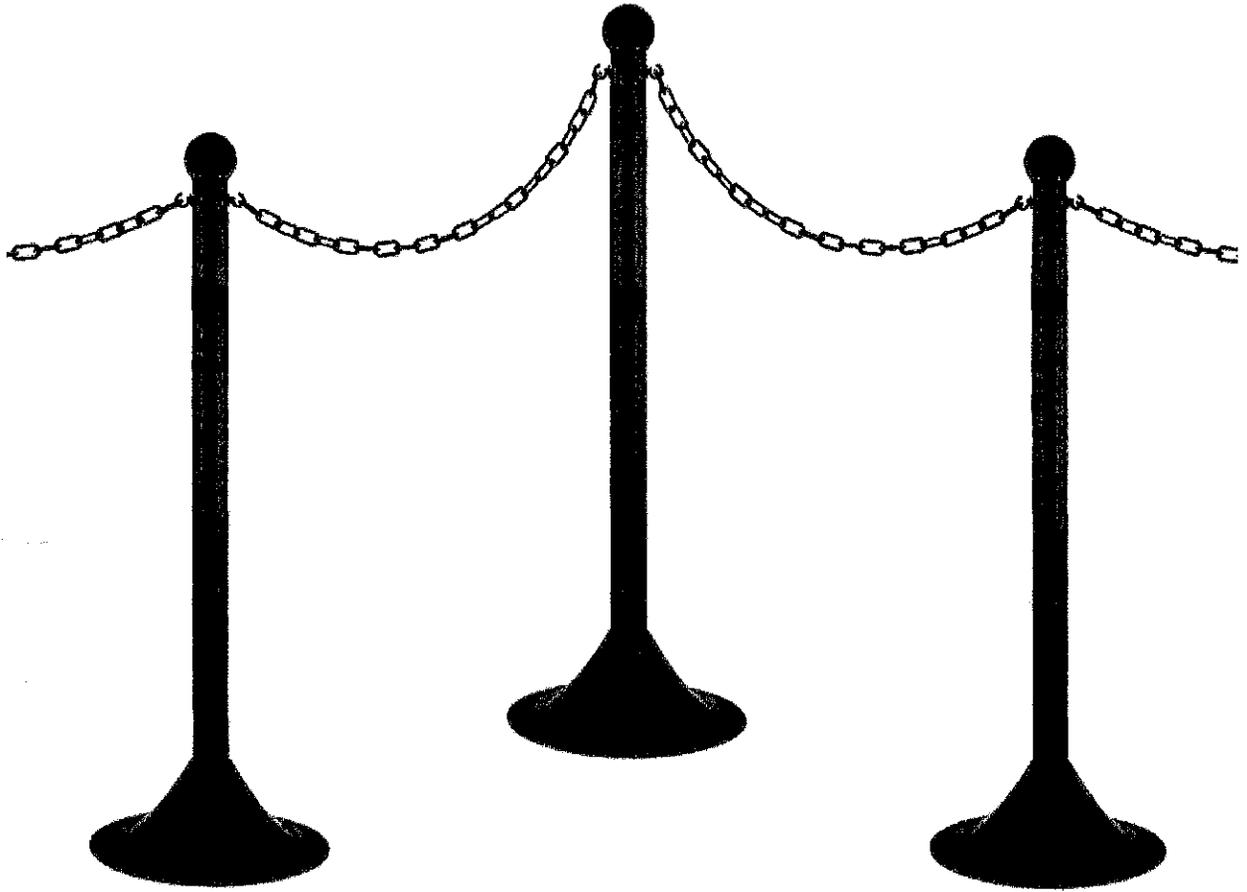
HELP

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

COMMUNITY

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







CERTIFICATE OF LIABILITY INSURANCE

ANCHO-2 OP ID: CA

DATE (MM/DD/YYYY)

04/23/13

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 Chase & Lunt LLC P O Box 590 47 State Street Newburyport, MA 01950 Marcos W. Shaner	978-462-4434 978-465-6204	CONTACT NAME: PHONE (A/C, No, Ext): E-MAIL ADDRESS:	FAX (A/C, No):
	INSURER(S) AFFORDING COVERAGE INSURER A: Harleysville Insurance INSURER B: Commerce Insurance Company INSURER C: INSURER D: INSURER E: INSURER F:		NAIC # 23787H
INSURED Anchor Stone Deck Pizza Mark Tramontana PO Box 1228 Newburyport, MA 01950			

COVERAGES

CERTIFICATE NUMBER:

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.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Business Owners GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC	X	BOP00000029208K	03/21/13	03/21/14	EACH OCCURRENCE \$ 2,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 2,000,000 GENERAL AGGREGATE \$ 4,000,000 PRODUCTS - COMP/OP AGG \$ 4,000,000
	B	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS <input checked="" type="checkbox"/>		BCZNVH	09/12/12	09/12/13
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$					EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N <input type="checkbox"/>	N/A			WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Liquor Liability		BOP00000029208K	03/21/13	03/21/14	Per Occ 1,000,000 Aggregate 2,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 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**CANCELLATION**

NEWBU-2

City of Newburyport
 City Hall, Pleasant Street
 Newburyport, MA 01960

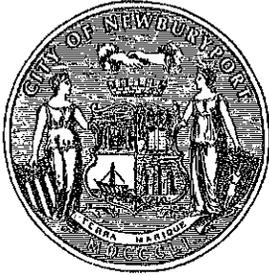
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

James J. Hewlett III

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APPOINTMENTS



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. BOX 550

NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

Appointment #1
April 29, 2013

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2013 APR 10 A 11:07

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: April 10, 2013

Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a Special Police Officer with the Newburyport Police Department to work private detail and road construction.

Jay R. Larcome
4 Russell Terrace Extension
Newburyport, MA 01950

Jay R. Larcome
4 Russell Terrace Extension
Newburyport, Ma.
978-360-1821

Dear Mayor Holaday,

My Name is Jay R. Larcome and I am a retired Newburyport Police Officer. I was appointed in 1974 and retired in 1999 after twenty five years of service with the department. I worked under Robert Jones, Joseph Garand, Francis O'Connor and John Connors. I spent the last seven years of service teaching our middle school students the DARE Program to which I began under Francis O'Connor.

Mayor, I am now looking at being appointed a Special Police Officer for details only to supplement my retirement.

Your consideration would be appreciated in this matter. If a resume is needed I will be more than happy to submit.

Respectfully submitted,

Jay R. Larcome

Jay Larcome

4 Russell Terrace Extension · Newburyport, MA 01950 · 978.360.1821 · lindajay96@comcast.net

PROFESSIONAL EXPERIENCE

Newburyport Marinas, Newburyport, MA

2004 to 2012

Dock Master

- Hired, trained, and supervised each season's dock-hands and fuel attendants
- Managed strict inventory and reconciliation of fuel deliveries and sales
- Supervised reservations of transients and maintained contact with all incoming captains (18 to 150 feet)
- Monitored operations and maintenance of over 500 slips
- Participated in multiple customer service seminars
- Tracked all deliveries of bait, marine supplies, ice, and tackle
- Collaborated closely with CMM (Randall Lyons) of Newburyport Marinas
- Operated the fork lift starting in 2009

Yacht Captain, Newburyport, MA and Ft. Lauderdale, FL

1999 to 2004

- Captained privately owned boats (30 to 90 feet) between Massachusetts and Florida
- Tested boats for prospective buyers
- Attended annual boat shows

Newburyport Police Department, Newburyport, MA

1974 to 1999

D.A.R.E. Officer

- Trained with the first cohort of D.A.R.E. officers in Massachusetts
- Ran Newburyport's first D.A.R.E. program for seven years in Newburyport middle and high schools

Police Officer

- Served as an officer of the Newburyport Police Department

LICENSES & CERTIFICATIONS

- Coast Guard Master's Captain's License – 1997
- Mass Certified as an A/B fuel operator – 2012

COMPUTER SKILLS

Proficient use of Dockmaster Marine program

EDUCATION

Springfield State University, Springfield, MA
Bachelor of Science/Criminal Justice, 1991

Appointment #2
April 29, 2013



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

2013 APR 17 P 2:54

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: April 17, 2013
Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Waterfront Trust to fulfill the unexpired term of Catherine Russell. This term will expire on February 1, 2016.

Jody Fraser
34 Storeybrooke Drive
Newburyport, MA 01950

April 16, 2013

Dear Mayor Holaday,

Thank you for inviting me to interview for the vacant seat on the Waterfront Trust. My husband and I have lived in Newburyport with our two daughters for almost 25 years but are both residents of Marblehead, another wonderful ocean side community.

Since moving here, I've been actively involved in the community in one way or another. When my children were young I was involved in PTA and the youth soccer association. I not only became a coach but became a member of the small group that decided it was time to build a soccer field. So I was on the committee that helped acquire the land from the city and organized the construction of Cherry Hill soccer field. Although a huge undertaking that required years of meetings, I'm very proud that I was a part of it. It's a great feeling to walk by Cherry Hill today and see how many children and adults are using the field.

In addition, I've been a board member and active volunteer for the Newburyport Education Foundation for over 5 years. The NEF is a great organization and I am honored to be a part of such an accomplished group. Again, I've put many hours into meetings and organizing events for the NEF.

So as you can see, I feel that it's important to participate in the community. I love Newburyport and all it has to offer, the ocean, the waterfront parks, the beautiful views, schools, shops and residents that take pride in the city they live in. Although I may not have specific background that's applicable to the Waterfront Trust I do care about the waterfront and I want to ensure it continues to be available for all the residents to enjoy.

I look forward to speaking with you in person to discuss the open position on the Waterfront Trust.

Best regards,


Jody Fraser

Jody Fraser
34 Storeybrooke Dr.
Newburyport, MA. 01950
978.808.6854
jody@tctranscribes.com

EXPERIENCE:

2004 - Present Transcription Connection Newburyport, MA.

A full service transcription company providing high quality transcription services for business, medical and legal clients nationwide.

Co-Owner:

- Responsible for all day to day operations of Transcription Connection
- Recruit new transcriptionists and work with them to assign work load.
- Work with clients to receive files to be transcribed as well as making sure they receive completed transcripts in timely manner.
- Talk to perspective clients regarding type of transcription work to be done (medical, legal, corporate), set up formatting, contact information, continued relationship management.
- Prepare client invoices and process bills from transcriptionists in Quickbooks.
- Track receivables and process payments in Quickbooks.
- Responsible for all aspects of marketing for Transcription Connection including website, creation of videos, advertising.
- Assist with bookkeeping functions for secondary business owned, Healthcare Office Support Associates currently sharing office suite.
- Liason between landlord and Company President regarding any changes to lease, insurance, building accessibility.
-

2001 -2002 Metropolitan Credit Union Chelsea, MA

One of the largest credit unions in Massachusetts with \$1 billion in assets. A full service credit union offering all financial products with 14 branches and credit union for more than 1800 companies in Massachusetts.

Mortgage Processor:

- Responsible for assisting perspective mortgage applicants with all aspects of application process through final approval.
- Process all mortgage applications through approval system and committee approval.
- Prepare subordination agreements, assignments, discharges and partial releases.

- Liaison with senior bank committee responsible for approving mortgage applications, subordination requests, 2nd mortgage applications.

1995- 2000 Ipswich Saving Bank Ipswich, MA

A Massachusetts chartered savings bank, organized in 1869 and headquartered in Ipswich, MA with total assets of \$321 million.

Loan Administrator:

- Processed all mortgage related transactions such as tax payment, pmi payments, FHA premiums and forced hazard insurance for entire loan portfolio.
- Preparation of all subordination agreements, mortgage discharges, assignments and partial releases.
- Worked with tax service
- Coordinated all customer contact regarding requests for PMI and or tax waivers including obtaining appraisals.
- Reviewed and quoted rate changes on adjustable rate mortgages.
- Reconciled various G/L accounts for sold loans.
- Utilized NCR Banking system, CSSI, Microsoft Office, Word, Excel

1979-1988 Bank of New England Boston, MA

A multi-billion dollar, federally chartered bank with major international banking exposure.

International and Treasury Administrator

- Coordination and administration of loan processing staff for credit Exposure and regulatory reporting of \$400 MM foreign loan portfolio.
- Trained bank officers in financial and operational procedures as related to international lending and debt renegotiations.
- Supported operations of foreign branches and expatriates
- Developed control procedures to ensure bank and regulatory policies.
- Designed and automated monthly divisional reports of credit exposure by county and type of lending.

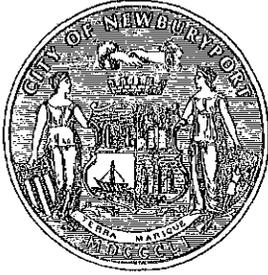
EDUCATION:

- 1980-1981** Suffolk University , Boston MA
Bachelors of Science in Spanish with concentration in Business
- 1976-1979** University of Massachusetts Amherst, Amherst MA
Spanish and Business Studies
Exchange program at Universidad de San Louis, Madrid, Spain

COMMUNITY ACTIVITIES:

- Board Member Newburyport Education Foundation
- Registrar and Coach, Newburyport Youth Soccer Association
- Newburyport Youth Soccer Land/Field Committee- Responsible for acquisition and construction of Cherry Hill Field.
- Co-Founder Breshnahan After School Program

Appointment #3
April 29, 2013



CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

2013 APR 19 A 10:53

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: April 19, 2013
Re: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Council on Aging. This appointment will expire on May 31, 2018.

Yvonne McQuilkin
39 Purchase Street
Newburyport, MA 01950

To: Mayor Donna Holaday

From: Roseann Robillard



Date: April 8, 2013

Re: COA Board Appointment

The COA Board requests your consideration of Yvonne McQuilkin. Her resume is attached. Yvonne attended the March Board meeting at the suggestion of her friend and current Board member Cynthia Muir.

If appointed to the Board, Yvonne would fill the seat of Helena Thurlow, 2 Lucey Drive (978-465-7504). Helena resigned from the Board in January, 2013 for health reasons.

Yvonne McQuilkin
39 Purchase St., Newburyport, MA 01950
Phone: (M) 617-448-3551, (H) 978-255-2872
Email: ymcquilk@gmail.com

Skills

Strong interpersonal skills, honed by coaching and leadership training. Ability to listen well: trained in techniques for leading and opening conversations with both groups and individuals. Thrive on mastering new skills, and using proven skills in new situations. Have strong communication skills, both written and oral. Good computer skills, comfortable with Word, Excel, and working intuitively with the Internet.

Experience Highlights

Self Employed/ Coaching Practice/Real Estate, Cambridge, MA 2001-Present

- *Residential Real Estate, Licensed RE Broker*
- *Established personal and retirement coaching business.*
- *Small Business administration, including HR Functions*

Ceridian Performance Partners, Boston, MA 1998-2001

- **Manager/Cross Location Coordinator/Service Quality**
Managed cross-location team in transitioning of off-hour calls from Boston Service Center to Minneapolis service center. Partnered with cross-functional team to create, analyze and implement service delivery procedures for new products. Responsible for Service Quality across all locations. Managed team responsible for customer recovery,

Work Family /Directions (WF/D), Boston, MA 1993-1998

(WF/D was the nation's first and leading provider of corporate work-life services. Ceridian Corporation acquired WF/D in November of 1998, and closed the Boston Location in 2001)

- **Client Team Manager**
Created, hired, trained and managed 24 X 7 service-delivery team.
Facilitated development of new client team. Coached team in implementing new techniques and methods of handling calls, and in promoting improved client relationships. Worked with Product Development team assisting in development of new products and materials.
Worked with Human Resources in interviewing and hiring of new phone counselors.

Eastdil Realty, New York, NY: Consultant 1972-1976

Chemical Bank, New York, NY: Loan Office 1968-1972

Hoag & Provandie, Boston, MA: Copy Writer 1966-1968

Education

Harvard Extension School, Cambridge, MA 1996-1997

MBA course work, focus on organizational behavior and stress in the workplace.

The Coaches Training Institute, San Rafael, CA 2000-2003

Trained and certified as a personal coach.

Co-Active Space, Novato, CA 2000-2001

Completed year-long Coach Leadership Training Program

Skidmore College, Saratoga Springs, NY 1962-1966:

BA English Literature

Appointment #4
April 29, 2013



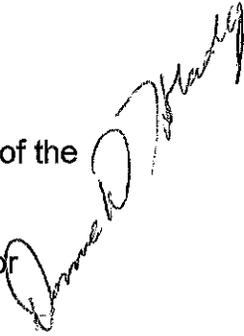
CITY OF NEWBURYPORT
OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

2013 APR 22 P 2:35

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor 

Date: April 22, 2013

Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as the Fire Chief for the City of Newburyport. This term will expire on June 1, 2018.

Christopher J. LeClaire
570 Ocean Road
Portsmouth, NH 03801

CHRISTOPHER J. LECLAIRE

570 Ocean Road
Portsmouth, NH 03801
(603) 235-6803
40c1@comcast.net

QUALIFICATIONS SUMMARY

Credentialed Fire Service/Emergency Management professional with 26 years experience in positions of Fire Chief/EMD, Assistant Chief, Deputy Chief, Training Officer, Public Education Officer, Full-time Firefighter/EMT and Call Firefighter, plus experience in law enforcement with the Hampton, NH Police Department (1989-1993).

WORK HISTORY

City of Portsmouth Fire Department, Portsmouth, NH

Fire Chief	October 21, 2002 - Present
Acting Chief	December 5, 2001 – October 20, 2002
Assistant Chief	July 1, 2000 – December 4, 2001
Deputy Chief	December 6, 1999 – July 1, 2000
Emergency Management Coordinator	December 1, 2001 – Present

- *CEO of the Seacoast's premier emergency response organization providing fire suppression, fire and injury prevention, emergency medical and hazardous materials incident response to the City of Portsmouth and the surrounding area. The PFD specializes in injury prevention through aggressive public education, code enforcement, plans review and inspections for the public, as well as workplace health and safety for our duty personnel and civilian support staff.*
- *Chair of the Portsmouth Area Emergency Planning Team encompassing Portsmouth and the surrounding communities for the express purpose of regionalizing public health emergency management, planning, response and mitigation.*
- *President of the Seacoast Chief Fire Officers Mutual Aid District, representing forty-two communities in New Hampshire, Maine and Massachusetts in coordinated regional response to major emergencies and hazardous materials incidents.*
- *President of the New Hampshire Association of Fire Chiefs.*

CHRISTOPHER J. LECLAIRE

North Hampton Fire & Rescue, North Hampton, NH

Deputy Chief	1995 – 1999
Lieutenant	1993 – 1995
Training Officer/Public Education	1989 – 1999
Permanent Firefighter/EMT	1987 – 1993

- *Served as the town's first Public Education Officer conducting fire safety classes in the educational and industrial environment. Introduced the 'Learn Not to Burn' curriculum to the North Hampton School system and was recognized by the National Fire Protection Association as a 'Learn Not to Burn' Champion in 1994 and again in 1998 with the 'Risk Watch' injury prevention program.*

Hampton Fire Department, Hampton, NH

Call Firefighter	1986 – 1987
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RELATED EXPERIENCE

New Hampshire Fire Academy, Concord, NH

Senior Staff Instructor	1997 – Present
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- *Developed specialized curriculum for fire officer training in Cultural Diversity, Sexual Harassment. Instruct Company Officer level classes in those topics as well as Crew Resource Management.*

Interstate Emergency Unit, Stratham, NH

Staff Instructor	1989 – Present
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EDUCATION

New Hampshire Community Technical College

Associates Degree in Fire Science - 1999

Anna Maria College

Enrolled in the Fire Science program pursuing a Bachelors degree

CHRISTOPHER J. LECLAIRE

COMMUNITY ACTIVITIES

Portsmouth Traffic and Safety Committee
Portsmouth Area Emergency Planning Team - Chair
Portsmouth Loss Prevention Committee
Portsmouth Technical Advisory Committee
Governor's Advisory Council on Emergency Preparedness and Homeland Security
New Hampshire Homeland Security Grants Committee
Portsmouth Rotary Club
Portsmouth Chamber of Commerce

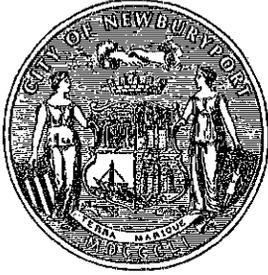
PROFESSIONAL AFFILIATIONS

Seacoast Chief Fire Officers Mutual Aid District - President
Seacoast Technical Assistance Response Team - Director
New Hampshire Association of Fire Chiefs - President
New England Association of Fire Chiefs
International Association of Fire Chiefs - New England Division
National Fire Protection Association
Mechanics Fire Society

SELECTED ACCOMPLISHMENTS/HONORS

Chief Fire Officer Designation Accreditation
NIMS ICS 300, 400, 700, 800
Nationally Registered Emergency Medical Technician - 26 years
Leadership in Risk Management
Fire and Emergency Services Instructor II
Fire Officer III & IV
Technical Rescue Skills
Operations Commander, TOPOFF - 2000
Outstanding Young Men of America - 1998
NFPA Risk Watch Champion - 1998
NFPA Learn Not to Burn Champion - 1994
Instructor of the Year, Interstate Emergency Unit - 1992

Re-Appointment #5
April 29, 2013



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

60 PLEASANT STREET - P.O. BOX 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
978-465-4402 FAX

2013 APR -9 A 11:08

To: President and Members of the
City Council

From: Mayor Donna D. Holaday, Mayor

Date: April 9, 2013

Subject: Re-Appointment

I hereby reappoint, subject to your approval, the following named individual as a member of the Harbor Commission. This term will expire on April 2, 2016.

T. Bradley Duffin
2 Cutting Drive
Newburyport, MA 01950

Re-Appointment #6
April 29, 2013



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. BOX 550

NEWBURYPORT, MA 01950

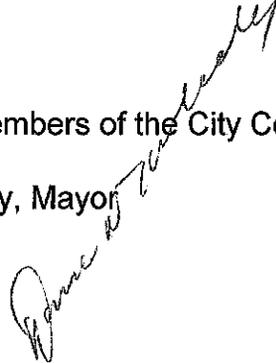
978-465-4413 PHONE

978-465-4402 FAX

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2013 APR 19 A 11:02

To: President and Members of the City Council

From: Donna D. Holaday, Mayor 

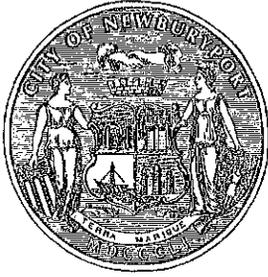
Re: Re-appointment

Date: April 19, 2013

I hereby reappoint, subject to your confirmation, the following named individual as Assistant Inspector of Wires. This term will expire on January 1, 2014.

Joseph Cutrone
21 Elmira Avenue
Newburyport, MA 01950

Re-Appointment #7
April 29, 2013



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

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

978-465-4413 PHONE

978-465-4402 FAX

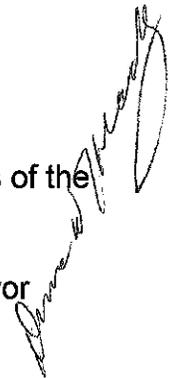
2013 APR 17 P 3:28

To: President and Members of the
City Council

From: Donna D. Holaday, Mayor

Date: April 17, 2013

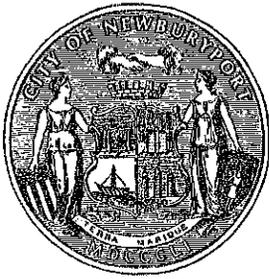
Subject: Re-Appointment



I hereby re-appoint, subject to your approval, the following
named individual as Electrical Inspector. This term will
expire on January 31, 2014.

David Zinck
6 Laurel Road
Newburyport, MA 01950

Re-Appointment #8
April 29, 2013



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR
DONNA D. HOLADAY, Mayor

60 PLEASANT STREET - P.O. Box 550

NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2013 APR 17 P 2:54

To: President and Members of the
City Council

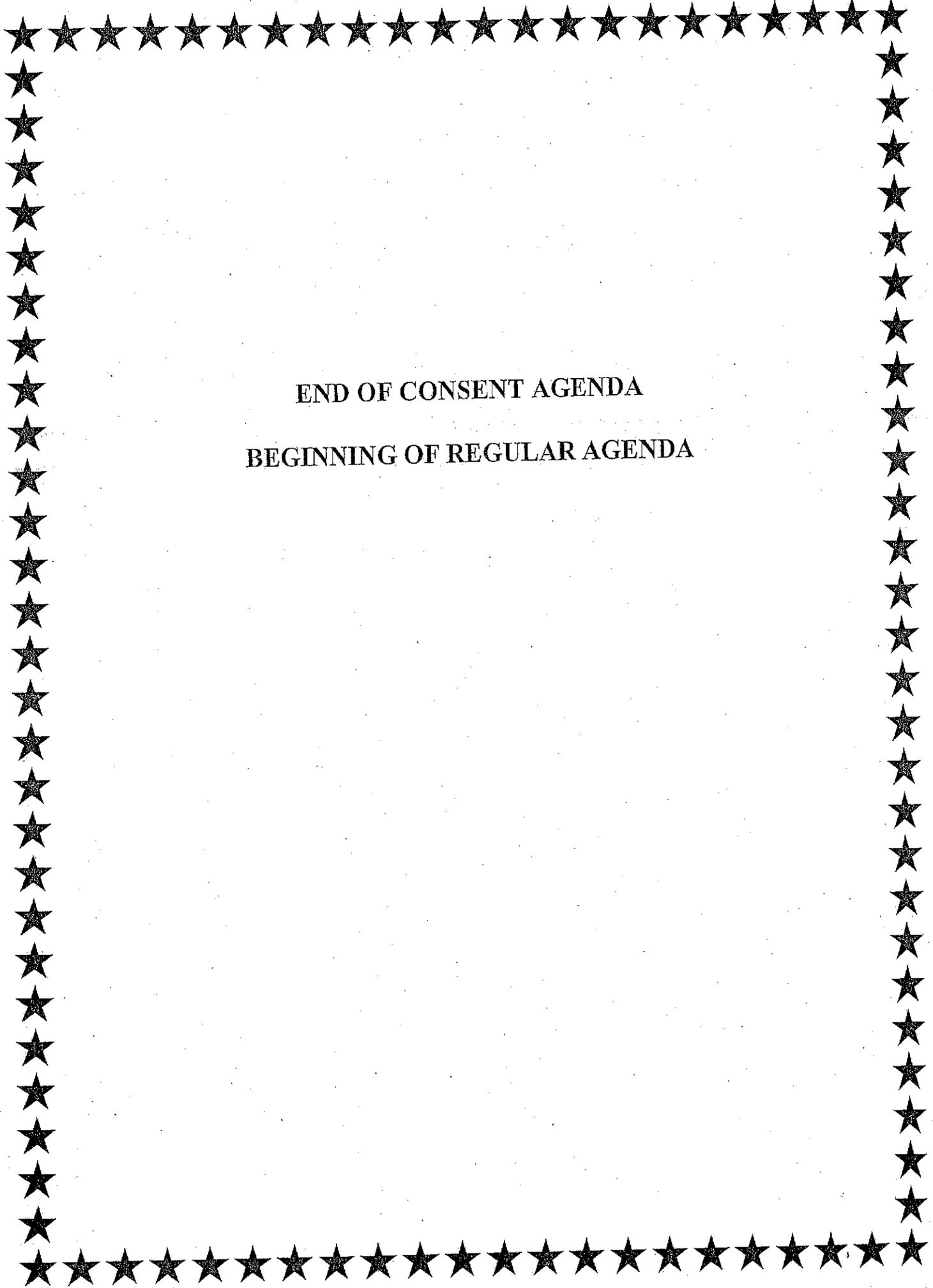
From: Donna D. Holaday, Mayor

Date: April 16, 2013

Subject; Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as Harbormaster for the City of Newburyport. This term will expire on May 1, 2016.

Paul Hogg
4 Coltin Drive
Newburyport, MA 01950



END OF CONSENT AGENDA
BEGINNING OF REGULAR AGENDA

**APPOINTMENTS
SECOND READING**

MAYOR'S APPOINTMENTS
April 29, 2013
SECOND READING

Appointment

- | | | | |
|---------------------|-----------------|----------------------------|-----------------|
| 1. Erin Moon LaRosa | 8 Wildwood Dr | Open Space Committee | |
| 2. Gary Gorski | 28 Magnolia St. | Library Board of Directors | January 1, 2020 |

Re-Appointment

- | | | | |
|---------------|-------------|----------------------------|---------------|
| 3. Judy Tymon | 39 Lime St. | Nbpt Affordable Housing Tr | April 1, 2014 |
|---------------|-------------|----------------------------|---------------|

In City Council April 8, 2013

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

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

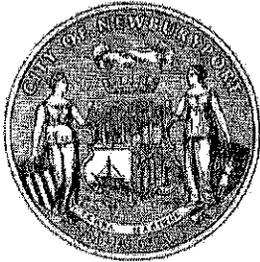
ORDERED:

April 12, 2013

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

THAT the City Council of the City of Newburyport hereby approve and authorize the taking of temporary and permanent easements for all purposes incidental to collecting, directing, storing and disposing of surface drainage waters between Virginia Lane and Storeybrooke Road, as shown on the attached sketch plan and in accordance with the attached "Order of Taking." Further, that the Council President is hereby authorized to sign said Order of Taking on behalf of the Council, and that the Mayor of the City of Newburyport is hereby authorized to act on behalf of the City and enter into any and all instruments or actions necessary to execute this Order of Taking accordingly.

Councillor Brian P. Derrivan



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

MEMORANDUM

TO: Honorable members of the City Council

FROM: Andrew Port, Director of Planning & Development

CC: Donna D. Holaday, Mayor

RE: Order of Taking - Virginia Lane Drainage Improvements

DATE: April 12th, 2013

The purpose of this memorandum is to provide additional background regarding the above referenced Order of Taking which is before the Council on April 29, 2013.

For several years now the City has monitored a drainage problem in the vegetated swale located between two culverts on Virginia Lane and Storeybrooke Road. The swale was originally designed to convey stormwater from the piped municipal stormwater system in the Storybrooke Subdivision toward the forested I-95 corridor. In recent years the swale has become overgrown with invasive wetland species thereby collecting sediment and blocking the proper flow of water. As a result the Hennigar family at 13 Virginia Lane has experienced an increase in flooding both to their adjacent driveway and even at times into their garage and basement.

A plan was prepared by Oak Engineers to remove the built-up sediment and invasive phragmites vegetation in the swale, replacing it with a rip-rap stone channel. The relocated drainage pipes and repaired outfalls along with a stone channel will allow the municipal stormwater to travel through this swale without causing flooding and erosion issues on adjacent properties.

Your assistance is requested for approval of the Order of Taking to allow us to proceed with this project, addressing a long-standing drainage problem in the area. As you may recall, the Council approved funding for this project last year. Since that time we have obtained agreements ("waivers") from each of the adjacent property owners as well as approval from the Conservation Commission.

Thank you in advance for your assistance. Please do not hesitate to contact me if you have any questions regarding this, or any other, projects.

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

CITY OF NEWBURYPORT

ORDER OF TAKING

At a regularly convened meeting of the CITY COUNCIL of the CITY OF NEWBURYPORT held the ____ day of _____, 2013, it was voted and ordered as follows:

The City Council of the City of Newburyport, duly elected, qualified, and acting as such, on behalf of the City and by virtue of and in accordance with the authority of the provisions of Chapter 79 and Chapter 83, Section 4 of the General Laws, as amended, and of any and every other power and authority which is hereunto in any way enabling, does hereby take, on behalf of the City, permanent and temporary easements for all purposes incidental to collecting, directing, storing and disposing of surface drainage waters, said purposes to include, without limitation, the right to construct, inspect, repair, remove, replace, operate, forever maintain and abandon in place drains, pipes, detention basins, swales, rip rap, and other structures for drainage purposes, and to remove existing vegetation and replace it with native vegetation suitable for drainage purposes, to over, in, through, under and upon the lands described as follows, and shown on a sketch plan attached hereto:

1. In the land known as **13 Virginia Lane**, Newburyport, MA, and shown as Lot 42 on plans recorded with the Essex South Registry of Deeds in Plan Book 104, Plan 42, and in Plan Book 312, Plan 40, and described in the deed recorded with said Registry in Book 13854, Page 174 ("Lot 42"), a permanent easement for the abovesaid drainage purposes in that portion of Lot 42 bounded on the south by the centerline of the fifty (50) foot right-of-way ("R.O.W.") shown on the abovesaid plans, and on the north by a line parallel to and thirty (30) feet distant from said centerline;

2. In the land known as **15 Virginia Lane**, Newburyport, MA, and shown as Lot 43 on plans recorded with the Essex South Registry of Deeds in Plan Book 104, Plan 42, and in Plan Book 294, Plan 82, and described in the deed recorded with said Registry in Book 17334, Page 113 ("Lot 43"):
 - a. a permanent easement for the abovesaid drainage purposes in that portion of Lot 43 bounded on the north by the centerline of the right-of-way ("R.O.W.") shown on the abovesaid plans, and on the south by a line parallel to and ten (10) feet distant from said centerline;
 - b. a temporary easement for the abovesaid drainage purposes in that portion of Lot 43 bounded on the north by the southern boundary line of the permanent easement in said lot described above, and on the south by a line parallel to and thirty (30) feet distant from said northern boundary line; and
 - c. a permanent easement for the abovesaid drainage purposes in that portion of Lot 43 bounded on the north by the southern boundary line of the permanent easement in said lot described above, on the south by a line parallel to and forty (40) feet distant from said northern boundary line, on the west by the eastern line of Virginia Lane, and on the east by a line parallel to and twenty-five (25) feet distant from said eastern line of Virginia Lane;
3. In the land known as **14 Storeybrooke Road**, Newburyport, MA, and shown as Lot 60 on plans recorded with the Essex South Registry of Deeds in Plan Book 104, Plan 42, and in Plan Book 303, Plan 71, and described in the deed recorded with said Registry in Book 29492, Page 607 ("Lot 60"), a temporary easement for the abovesaid drainage purposes in that portion of Lot 60 bounded on the south by the centerline of the Right of Way ("Un-Named Way") shown on the abovesaid plans, and on the north by a line parallel to and forty (40) feet distant from said centerline;
4. In the land known as **16 Storeybrooke Road**, Newburyport, MA, and shown as Lot 61 on plans recorded with the Essex South Registry of Deeds in Plan Book 104, Plan 42, and in Plan Book 287, Plan 76, and described in the deed recorded with said Registry in Book 12412, Page 388 ("Lot 61"):
 - a. a permanent easement for the abovesaid drainage purposes in that portion of Lot 61 bounded on the north by the centerline of the right-of-way ("Un-Named (50.0' Wide) Way") shown on the abovesaid plans, and on the south by a line parallel to and twenty (20) feet distant from said centerline; and
 - b. a temporary easement for the abovesaid drainage purposes in that portion of Lot 61 bounded on the north by the southern boundary line of the

permanent easement in said lot described above, and on the south by a line parallel to and twenty (20) feet distant from said northern boundary line;

5. In the land known as **15 Storeybrooke Road**, Newburyport, MA, and shown as Lot 78 on plans recorded with the Essex South Registry of Deeds in Plan Book 104, Plan 42, and in Plan Book 290, Plan 33, and described in the deed recorded with said Registry in Book 24151, Page 497 ("Lot 78"):
 - a. a permanent easement for the abovesaid drainage purposes in that portion of Lot 78 bounded on the south by the centerline of the right-of-way ("Un-Named (50.0' Wide) Way") shown on the abovesaid plans, and on the north by a line parallel to and ten (10) feet distant from said centerline; and
 - b. a temporary easement for the abovesaid drainage purposes in that portion of Lot 78 bounded on the south by the northern boundary line of the permanent easement in said lot described above, and on the north by a line parallel to and ten (10) feet distant from said northern boundary line;

6. In the land known as **17 Storeybrooke Road**, Newburyport, MA, and shown as Lot 79 on plans recorded with the Essex South Registry of Deeds in Plan Book 104, Plan 42, and in Plan Book 290, Plan 49, and described in the deed recorded with said Registry in Book 12607, Page 304 ("Lot 79"):
 - a. a permanent easement for the abovesaid drainage purposes in that portion of Lot 79 bounded on the north by the centerline of the right-of-way ("Un-Named Way (50.0' Wide)") shown on the abovesaid plans, and on the south by a line parallel to and ten (10) feet distant from said centerline; and
 - b. a temporary easement for the abovesaid drainage purposes in that portion of Lot 79 bounded on the north by the southern boundary line of the permanent easement in said lot described above, and on the south by a line parallel to and ten (10) feet distant from said southern boundary line.

The easements taken herein shall further include the right to enter upon the easement premises, from time to time, by foot, vehicle, or heavy equipment, for all purposes stated herein and uses incidental thereto.

The temporary easements shall expire **four (4) years** from the date this Order is recorded. Upon the City's completion of drainage improvements in the easement premises, which shall include removal of the existing vegetation and replacement with native vegetation suitable for

drainage, the owners of the lands described above shall thereafter take such reasonable action as is necessary (which shall include regular mowing and keeping the area free of yard waste and debris) to maintain the new vegetation in the temporary easement premises, and shall not vary the completed grades and slopes in said permanent or temporary easement premises. The City shall be responsible for and shall maintain the drainage improvements installed within the permanent easement premises.

This taking does not include any structures presently situated on the easement premises, but does include the right of the City to remove such structures whenever their removal shall be required for said easement purposes. This taking does include such trees and shrubs within the easement premises whose removal is necessary to carry out the purposes of the easements taken herein. To the extent there remain record rights of access in the right-of-way shown on the plans referenced above, the easements acquired by the herein taking shall be construed as consistent with and not exclusive of such rights. By this Order, the City takes no interest in any other existing easements, if any, affecting the easement premises.

The lands affected by the herein taking are owned or supposedly owned by the owners listed in Schedule A, attached hereto and incorporated within. If in any instance the name of any owner is not correctly stated in Schedule A, it is understood that in such instance the land referred to is owned by an owner or owners unknown to the City.

Said owners have waived damages and a right of appraisal of said damages, and we therefore award no damages to those persons for the herein taking. No betterments are to be assessed under this taking.

IN WITNESS WHEREOF, I, the duly elected and qualified president of the City Council of the City of Newburyport, acting as the duly authorized representative of said Council, have hereunto set my hand and seal as of this _____ day of _____, 2013.

CITY OF NEWBURYPORT
By its City Council

Thomas F. O'Brien, President

Approved:

Mayor Donna D. Holaday

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this _____ day of _____, 2013, before me, the undersigned Notary Public, personally appeared _____, President of the City Council of the City of Newburyport, as aforesaid, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the City of Newburyport.

(Official Signature and Seal of Notary)

433665/NBPT/0103

SCHEDULE A

Property Address	Owner Name	Mailing Address	Book	Page
13 Virginia Lane	Donald S. Hennigar Nancy S. Hennigar	13 Virginia Lane Newburyport, MA 01950	13854	174
	Institution for Savings in Newburyport and Its Vicinity (mortgagee)	81 State Street Newburyport, MA 01950	28709	433
15 Virginia Lane	Jeffrey Lemos Kelley Lemos	15 Virginia Lane Newburyport, MA 01950	17334	113
	MERS (mortgagee)	P.O. Box 2026 Flint, MI 48501-2026	30505	24
14 Storeybrooke Road	Robert W. Kebler Mary Louise Kebler	14 Storeybrooke Road Newburyport, MA 01950	29492	607
	MERS (mortgagee)	P.O. Box 2026 Flint, MI 48501-2026	29911	184
15 Storeybrooke Road	John A. Maciejewicz & Elizabeth J. Maciejewicz, Trustees of The Maciejewicz AB Trust, Fund A; John A. Maciejewicz Elizabeth J. Maciejewicz, Trustees of The Maciejewicz AB Trust, Fund B	15 Storeybrooke Road Newburyport, MA 01944	24151	497
	Salem Five Mortgage Company, LLC (mortgagee)	210 Essex Street Salem, MA 01970	20554	274
16 Storeybrooke Road	Mark E. Connors Joanna C. Connors	16 Storeybrooke Road Newburyport, MA 01950	12412	388
	Fleet National Bank (mortgagee)	Retail Loan Servicing 315-317 Court Street P.O. Box 3092 Utica, NY 13502	18096	168
17 Storeybrooke Road	Pierre Gagnon & Nathalie M. Loignon, Trustees of the Loignon- Gagnon Family Trust	17 Storeybrooke Road Newburyport, MA 01950	29045	102
	Institution for Savings in Newburyport and Its Vicinity (mortgagee)	93 State Street Newburyport, MA 01950	28418	261
	Institution for Savings in Newburyport and Its Vicinity (mortgagee)	93 State Street Newburyport, MA 01950	28418	278

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

April 29, 2013

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

THAT the City Council of the City of Newburyport hereby approve and authorize the taking of temporary and permanent easements for all purposes as outlined in the attached Order of Taking. Further, that the Council President is hereby authorized to sign said Order of Taking on behalf of the Council, and that the Mayor of the City of Newburyport is hereby authorized to act on behalf of the City and enter into any and all instruments or actions necessary to execute this Order of Taking accordingly.

Councillor Thomas F. O'Brien

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS.

CITY OF NEWBURYPORT

ORDER OF TAKING

At a regularly convened meeting of the CITY COUNCIL of the CITY OF NEWBURYPORT held the ____ day of _____, 2013, it was voted and ordered as follows:

The City Council of the City of Newburyport, duly elected, qualified, and acting as such, on behalf of the City and by virtue of and in accordance with the authority of the provisions of Chapter 79 and Chapter 40, Section 14 of the General Laws, as amended, and of any and every other power and authority which is hereunto in any way enabling, does hereby take, on behalf of the City:

1) **Perpetual easements** for all purposes for which public ways are used in the City of Newburyport, which purposes shall include, without limitation, surveying, constructing, reconstructing, installing, supporting, inspecting, using (including public use), maintaining, repairing, replacing, removing or abandoning in place a roadway, curbing, sidewalks, landscaping, utilities, drains, and related improvements, and the right to enter upon the easement premises, from time to time, by foot, vehicle, or heavy equipment, for all purposes stated herein and uses incidental thereto, over, in, through, under and upon the lands depicted as:

- a) "Proposed Permanent Easement 1, Area = 1,556± S.F." and "Proposed Permanent Easement 4, Area = 136± S.F." on the plan entitled: "Easement Plan of Land, Spofford Street, Merrimac Street and Moseley Avenue, Plan of Land in Newburyport, Massachusetts Surveyed for the City of Newburyport," dated February 27, 2013, prepared by Design Consultants, Inc. ("Plan 1");

- b) "Proposed Permanent Easement 2, Area = 230± S.F." on the plan entitled: "Easement Plan of Land 571 Merrimac Street, Spofford Street, Merrimac Street and Moseley Avenue, Plan of Land in Newburyport, Massachusetts Surveyed for the City of Newburyport," dated April 3, 2013, prepared by Design Consultants, Inc. ("Plan 2"); and
- c) "Proposed Permanent Easement 3, Area = 94± S.F." on the plan entitled: "Easement Plan of Land 19 Spofford Street, Spofford Street, Merrimac Street and Moseley Avenue, Plan of Land in Newburyport, Massachusetts Surveyed for the City of Newburyport," dated April 3, 2013, prepared by Design Consultants, Inc. ("Plan 3");

2) **Temporary construction easements** for roadway, drainage and slope

construction purposes, such purposes to include, without limitation, slope shaping and restoration to include clearing and grubbing, loam and seeding, construction access, temporary erosion control measures, driveway restoration, landscaping and temporary utility pole relocations, and such other work as is necessary to survey, construct, inspect, and complete roadway and drainage improvements upon and within the abutting public ways and permanent easement premises described herein, including entry by foot, vehicle, and heavy equipment for all purposes stated herein and uses incidental thereto, over, in, through, under and upon the lands depicted as:

- a) "Proposed Temporary Easement, Area = 50± S.F.", "Proposed Temporary Easement, Area = 8,673± S.F.", and "Proposed Temporary Easement, Area = 7,218± S.F." on Plan 1;
- b) "Proposed Temporary Easement, Area = 1,257± S.F." on Plan 2;
- c) "Proposed Temporary Easement, Area = 1,128± S.F." on Plan 3;

provided that such easements shall not be used in such a manner as to completely foreclose access to the subject properties from Spofford Street or Merrimac Street.

The temporary easements shall expire **four (4) years** from the date this Order is recorded, provided that the completed grades and slopes in "Proposed Temporary Easement, Area = 1,257± S.F." on Plan 2 shall be maintained in perpetuity.

This taking does not include any structures presently situated on the easement premises, but does include the right of the City to remove such structures whenever their removal shall be required for said easement purposes. This taking further includes such trees and shrubs within the easement premises whose removal is necessary to carry out the purposes of the easements taken herein. By this Order, the City takes no interest in any other existing easements, if any, affecting the easement premises.

The lands affected by the herein taking are owned or supposedly owned by the owners listed in Schedule A, attached hereto and incorporated within. If in any instance the name of any owner is not correctly stated in Schedule A, it is understood that in such instance the land referred to is owned by an owner or owners unknown to the City.

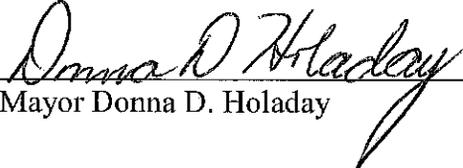
All the owners listed in Schedule A have waived damages and a right of appraisal of said damages, and we therefore award no damages to those persons for the herein taking. No betterments are to be assessed under this taking.

IN WITNESS WHEREOF, I, the duly elected and qualified president of the City Council of the City of Newburyport, acting as the duly authorized representative of said Council, have hereunto set my hand and seal as of this _____ day of _____, 2013.

CITY OF NEWBURYPORT
By its City Council

Thomas F. O'Brien, President

Approved:



Mayor Donna D. Holaday

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this _____ day of _____, 2013, before me, the undersigned Notary Public, personally appeared _____, President of the City Council of the City of Newburyport, as aforesaid, and proved to me through satisfactory evidence of identification, which was _____, to be the person whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the City of Newburyport.

(Official Signature and Seal of Notary)

450619/NBPT/0106

SCHEDULE A

Property Address	Owner Name	Mailing Address	Book	Page
5 Spofford Street	Winthrop Martin, Trustee BRE Realty Trust	86 Ferry Road Newburyport, MA	30772	51
7 Spofford Street	Winthrop Martin, Trustee VANMAX Realty Trust	86 Ferry Road Newburyport, MA	30772	42
11 Spofford Street	Jean Martin, Trustee BEC Realty Trust	86 Ferry Road Newburyport, MA	30772	45
570 Merrimac Street	Jean Martin, Trustee RY Realty Trust	86 Ferry Road Newburyport, MA	30772	48
572 Merrimac Street	Winthrop Martin, Trustee VANMAX Realty Trust	86 Ferry Road Newburyport, MA	30772	42
571 Merrimac Street	Nicholas R. Nulty	571 Merrimac Newburyport, MA 01950	20646	88
	Newburyport Five Cents Savings Bank [mortgagee]	P.O. Box 350 63 State Street Newburyport, MA 01950	18411	78
19 Spofford Street	Richard L. Canepa Beverly A. Canepa	19 Spofford Street Newburyport, MA 01950	5534	647
	The Institution for Savings [mortgagee]	93 State Street Newburyport, MA 01950	28563	485

MARTIN J. ARSENAULT
Attorney at Law

939 Salem Street, Suite #5
Groveland, MA 01834

DPS REC'D REG. MAIL
3/25/13

E-mail: martin.lawyer@verizon.net

Telephone: (978) 374-3100
Fax: (978) 374-3111

March 20, 2013

Jon-Eric White, P.E.
City Engineer
Newburyport Department of
Public Services
16A Perry Way
Newburyport, MA 01950

**RE: Waiver of Appraisal and Damages
Round About Project**

Dear Mr. White:

Please be advised that this office and the undersigned represent the Trustees of the various trusts owning property adjacent to Round About Project on Spofford and Merrimac Streets in Newburyport, Massachusetts. As you are aware, the parties have negotiated an agreement with the City whereby the City is required to provide certain work in exchange for my clients' Waiver of Appraisal and Damages. At the instruction of the City's attorney, Jonathan D. Eichman, I have enclosed herewith three (3) original executed copies of the Waiver of Appraisal and Damages and Trustees' Certificates. Per the instructions of your counsel, kindly have the Mayor countersign one of these documents where indicated and return it to me together with an original signed letter from the Director of Planning in the form attached hereto for your ready reference.

Should you have any questions, comments or concerns upon receipt of this correspondence, please do not hesitate to contact me. My clients look forward to working cooperatively with the City in order to complete this Public Works project according to the terms and conditions of the Agreement.

Very truly yours,



Martin J. Arsenault

MJA:mag

Enclosures

cc: Winthrop and Jean Martin
Jonathan D. Eichman, Esquire
Woodbury Cammett, P.E.

CITY OF NEWBURYPORT, MASSACHUSETTS

Waiver of Appraisal and Damages

KNOW ALL MEN BY THESE PRESENTS, that we, Jean Martin, as trustee of the BEC Realty Trust u/d/t dated Oct. 25, 2011, and as trustee of the RY Realty Trust u/d/t dated Oct. 25, 2011, and Winthrop Martin, as trustee of the BRE Realty Trust u/d/t dated Oct. 25, 2011, and as trustee of the VANMAX Realty Trust u/d/t dated Oct. 25, 2011 (together, "Owners"), having an address of 86 Ferry Road, Newburyport, Massachusetts, being the owners as trustees as aforesaid of the land located at 5, 7, and 11 Spofford Road, and 570 and 572 Merrimac Street, Newburyport, Massachusetts, shown respectively as Lots 19, 20, 21/22, 23 and 24 on Newburyport Assessor's Map 72, by way of deeds recorded with the Essex South Registry of Deeds in Book 30772, Page 45 (11 Spofford (BEC)); Book 30772, Page 48 (570 Merrimac (RY)); Book 30772, Page 51 (5 Spofford (BRE)); and Book 30772, Page 42 (7 Spofford and 572 Merrimac (Vanmax)) (together, the "Property"), in consideration of the performance of the work set forth in Exhibit A attached hereto and incorporated herein (the "Work"), which Work is hereby acknowledged as being full and satisfactory compensation for all damages sustained by said Owners on account of a taking to be made by the City of Newburyport (the "City"), by and through its City Council, of permanent and temporary easements for roadway purposes in the Property as shown on the plan entitled: "Easement Plan of Land, Spofford Street, Merrimac Street and Moseley Avenue, Plan of Land in Newburyport, Massachusetts Surveyed for the City of Newburyport," dated June 20, 2012, and prepared by Design Consultants, Inc. (provided that the temporary easement area may be increased to allow for the slope work set forth in Exhibit A), and which shall be performed at the City's discretion and only in the event of said taking, for ourselves and our successors and assigns, pursuant to G.L. c.79, §7A, waive, release and forever discharge the City of Newburyport, its successors and assigns, from all debt, demands, actions, reckonings, bonds, covenants, contracts, agreements, promises, damages, and liabilities and any and all other claims of every kind, nature and description whatsoever, both in Law and Equity, arising from or in consequence of said taking, consent to said taking, and waive all right to an appraisal of damages for said taking. The Owners acknowledge that completion of the Work is dependent in part on the owners' satisfactory performance of certain obligations as set forth in Exhibit A, and agree that they will perform as set forth therein and will not deny the validity of the herein waiver of claims should they fail to do so.

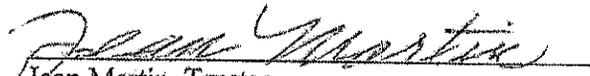
EXECUTED this 20 day of March, 2013.



Winthrop Martin, Trustee
BRE Realty Trust



Winthrop Martin, Trustee
VANMAX Realty Trust



Jean Martin, Trustee
BEC Realty Trust



Jean Martin, Trustee
RY Realty Trust

Accepted:

CITY OF NEWBURYPORT

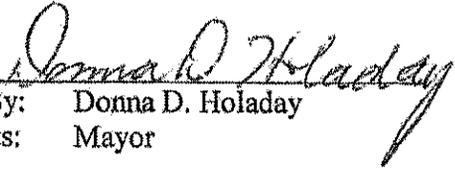

By: Donna D. Holaday
Its: Mayor

EXHIBIT A

Coincident with and as part of the City's proposed Intersection Improvement Project at Merrimac-Spofford-Moseley Streets (the "Project"), which project is more or less as shown on the project plan entitled: "Traffic & Safety Improvements at Merrimac Street, Moseley Avenue, and Spofford Street Intersection, Newburyport, Massachusetts, Construction Plan", dated October 17, 2012, prepared by WorldTech Engineering ("Project Plan"):

1. The City will place fill and topsoil on the Property as is necessary to achieve a consistent slope of no more than 4 to 1 from the new sidewalk the City constructs as part of the Project along Merrimac and Spofford down to existing grade on the Property. The slope shall be comprised of at least 6" of loam. The City will seed the area with a hydro seed mix containing a premium lawn mix of no less than a blend of Kentucky Blue Grass and fescues including Creeping Red Fescue. The seed rate will be 10 lbs. per 1,000 sq. feet. The 19-19-19 fertilizer rate will be 1 lb. per 1,000 sq. feet and the liquid lime fertilizer rate will be 1 gallon per 1,000 sq. feet, unless such rates are prohibited by law or exceed maximum rates recommended by the manufacturer, in which case the highest allowable and recommended rate shall be used. The wood fiber mulch rate will be 30 lbs. per 1,000 sq. feet. The City will notify the owners as to the date and time of the seeding to allow them to verify the use of seed as set forth above, and shall take such action as is necessary for one (1) year thereafter to ensure the seeding is effective. Any existing loam on the Property removed in the course of the Project will be stockpiled on the Property and used to complete the work set forth herein.
2. The City will replace the chain link fence and supporting posts presently separating the Property from Merrimac and Spofford Streets, from the large gate post on Spofford Street to the large gate post on Merrimac Street, a distance of approximately 390 feet. The replacement fencing will be black, vinyl coated chain link fence and posts of the same gauge and quality, and will be placed 3 inches above grade for grooming purposes. The City will roll and secure the old fence and leave it and the removed fence posts on the Property for the use/disposal of the owners. The owners may construct additional fencing at their own expense.
3. The City will plant five (5) new trees to replace the trees it removes within the permanent and temporary easement premises, using a 3 inch minimum caliper of the same type: maple shade tree. The new trees shall be located along the perimeter of the Property adjoining Spofford and Merrimac Streets in locations to be determined by agreement of the City and the owners.
4. The City will relocate its existing drainage pipe on the Property, at its cost, to a new location on the Property to be agreed upon by the City and the Property owners (the "Relocation"), subject to the following conditions:

- a) The City will design and carry out the Relocation concurrent with the Project, provided all the remaining conditions set forth herein are met. The parties acknowledge that the intent of the Relocation is to move the City's existing drainage pipe running from Merrimac Street to wetlands on the Property, to a location as close to the eastern sideline of 570 Merrimac Street as is feasible, consistent with accepted industry standards and practices and applicable law, to facilitate development of the Property. The parties further acknowledge that the Relocation will require work in Merrimac Street, that the reconstruction of Merrimac Street will be one of the first parts of the Project, and that failure to complete the design and permitting of the Relocation so that it can be completed concurrent with such reconstruction will increase costs and may delay the Relocation.
- b) The City will not be required to obtain rights in any adjoining property to carry out the relocation.
- c) The outlet location for the drainage pipe shall remain the same unless otherwise dictated by order of the Conservation Commission or other authority with jurisdiction.
- d) The City will utilize the existing conditions survey previously provided by the Owner's engineer for purposes of relocating the drain line through the property.
- e) Together with the existing conditions plan, the owners will provide written permission, in a form approved by counsel for the parties, allowing the City and its agents to dig test pits on and otherwise inspect the Property to determine if ledge or other obstruction will preclude the Relocation in the preferred location, to do wetlands survey and flagging, and to do such other testing as is required to prepare final design plans.
- f) The City will hire a wetlands scientist to locate wetland resource areas on the Property, and will thereafter survey these resource areas and add them to the existing conditions plan. The City will provide the results of the wetlands scientist to the owners for review before adding them to the plan.
- g) Using the existing conditions plan, and the results of any testing it chooses to complete, the City will prepare a final design plan and profile of the Relocation and submit it to the owners for their review, together with a cost estimate for the work. Such plan shall be suitable for submission as part of a Notice of Intent filing with the Conservation Commission and subsequently to provide construction drawings for installing the relocated drain pipe.
- h) Within fourteen (14) days of the City's submission of completed design plans to the owners, the owners may request and the City shall make

reasonable changes to the location of the relocated drain pipe as are consistent with accepted industry standards and practices. All other aspects of design and construction, including the materials used, shall be solely within the City's discretion and control. If the owners make no request to change the design plans within fourteen (14) days of submission by the City, they shall be deemed to have approved the Relocation as designed.

- i) Once the parties have agreed upon the Relocation as set forth in the design plans prepared by the City, the City shall proceed to secure an Order of Conditions from the Conservation Commission and such other permits as are needed in order to carry out the Relocation. Any change to the proposed location of the relocated drain pipe requested by the owners after they have approved the plans shall be contingent upon the City's approval, such approval not to be unreasonably withheld, and the owners shall be responsible for any increase in Relocation or Project costs associated with such change. Any change to the proposed location of the relocated drain pipe requested by any legal authority, such as a permit granting authority, or by the City, prior to completion of the Relocation, shall be submitted to the owners for their review and approval pursuant to the procedure set forth above in subsection h), such approval not be unreasonably withheld.
 - j) Prior to any work being performed on the Relocation, the owners will grant to the City temporary and permanent easements in form sufficient to provide for the construction and perpetual use and maintenance of the Relocation. The easements shall provide for sufficient access to the drainage structures.
 - k) Upon completion of the Relocation the City will loam and seed the work site so as to restore it to as close to its original condition as is reasonably possible.
5. Prior to the commencement of Relocation construction, the City's Director of Planning will issue an opinion in the form attached hereto as Exhibit B concerning application of the so-called "yield plan requirements" of the Zoning Ordinances to proposed residential development of the Property.
 6. The City, acting by and through its Department of Public Services, will allow for reasonable and necessary new driveway openings to serve residential development of the Property, provided that driveway openings will not be allowed between Stations 11+70.00 and 32+23.21 on Spofford and Merrimac Streets as shown on the Project Plan and will conform with accepted traffic safety standards.

TRUSTEE'S CERTIFICATE

The undersigned Jean Martin, trustee of the BEC Realty Trust (the "Trust"), u/d/t dated Oct. 25, 2011, hereby certifies as follows:

- a. I am a trustee of said Trust, duly appointed in accordance with the terms of the Trust;
- b. The Trust has not been revoked or terminated, and is presently in full force and effect;
- c. The Trust is the sole owner of the land known as 11 Spofford Street, Newburyport, Massachusetts and described in a deed recorded with the Essex South Registry of Deeds in Book 30772, Page 45 (the "Property");
- d. Pursuant to the abovesaid Declaration of Trust, I have the power and am authorized on behalf of the Trust and its beneficiaries to execute the attached Waiver of Appraisal and Damages concerning the Property.

WITNESS my hand and seal this 20 day of March, 2013.

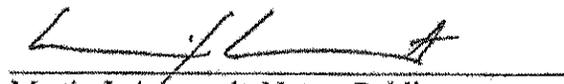

Jean Martin, Trustee
BEC Realty Trust

THE COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss

March 20, 2013

Then personally appeared the above-named Jean Martin, trustee as aforesaid of BEC Realty Trust, and proved to me through satisfactory evidence of identification, which was a pictured driver's license, to be the person whose name she signed on the foregoing instrument in my presence, and further acknowledged the foregoing instrument to be her free act and deed as said trustee, before me.

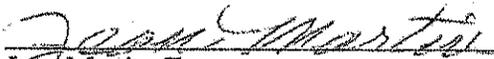

Martin J. Arsenault, Notary Public
My Commission Expires: June 14, 2013

TRUSTEE'S CERTIFICATE

The undersigned Jean Martin, trustee of the RY Realty Trust (the "Trust"), w/d/t dated Oct. 25, 2011, hereby certifies as follows:

- a. I am a trustee of said Trust, duly appointed in accordance with the terms of the Trust;
- b. The Trust has not been revoked or terminated, and is presently in full force and effect;
- c. The Trust is the sole owner of the land known as 570 Merrimac Street, Newburyport, Massachusetts and described in a deed recorded with the Essex South Registry of Deeds in Book 30772, Page 48 (the "Property");
- d. Pursuant to the abovesaid Declaration of Trust, I have the power and am authorized on behalf of the Trust and its beneficiaries to execute the attached Waiver of Appraisal and Damages concerning the Property.

WITNESS my hand and seal this 20 day of March, 2013.

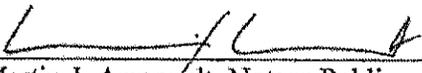

Jean Martin, Trustee
RY Realty Trust

THE COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss

March 20, 2013

Then personally appeared the above-named Jean Martin, trustee as aforesaid of RY Realty Trust, and proved to me through satisfactory evidence of identification, which was a pictured driver's license, to be the person whose name she signed on the foregoing instrument in my presence, and further acknowledged the foregoing instrument to be her free act and deed as said trustee, before me.

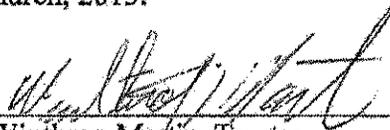

Martin J. Arsenault, Notary Public
My Commission Expires: June 14, 2013

TRUSTEE'S CERTIFICATE

The undersigned Winthrop Martin, trustee of the BRE Realty Trust (the "Trust"), u/d/t dated Oct. 25, 2011, hereby certifies as follows:

- a. I am a trustee of said Trust, duly appointed in accordance with the terms of the Trust;
- b. The Trust has not been revoked or terminated, and is presently in full force and effect;
- c. The Trust is the sole owner of the land known as 5 Spofford Street, Newburyport, Massachusetts and described in a deed recorded with the Essex South Registry of Deeds in Book 30772, Page 51 (the "Property");
- d. Pursuant to the abovesaid Declaration of Trust, I have the power and am authorized on behalf of the Trust and its beneficiaries to execute the attached Waiver of Appraisal and Damages concerning the Property.

WITNESS my hand and seal this 20 day of March, 2013.



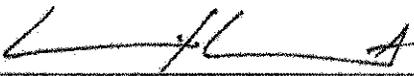
Winthrop Martin, Trustee
BRE Realty Trust

THE COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss

March 20, 2013

Then personally appeared the above-named Winthrop Martin, trustee as aforesaid of BRE Realty Trust, and proved to me through satisfactory evidence of identification, which was a pictured driver's license, to be the person whose name he signed on the foregoing instrument in my presence, and further acknowledged the foregoing instrument to be his free act and deed as said trustee, before me.



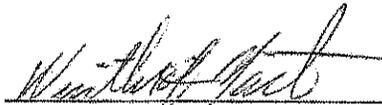
Martin J. Arsenault, Notary Public
My Commission Expires: June 14, 2013

TRUSTEE'S CERTIFICATE

The undersigned Winthrop Martin, trustee of the VANMAX Realty Trust (the "Trust"), u/d/t dated Oct. 25, 2011, hereby certifies as follows:

- a. I am a trustee of said Trust, duly appointed in accordance with the terms of the Trust;
- b. The Trust has not been revoked or terminated, and is presently in full force and effect;
- c. The Trust is the sole owner of the land known as 7 Spofford Street and 572 Merrimac Street, Newburyport, Massachusetts and described in a deed recorded with the Essex South Registry of Deeds in Book 30772, Page 42 (the "Property");
- d. Pursuant to the abovesaid Declaration of Trust, I have the power and am authorized on behalf of the Trust and its beneficiaries to execute the attached Waiver of Appraisal and Damages concerning the Property.

WITNESS my hand and seal this 20 day of March, 2013.



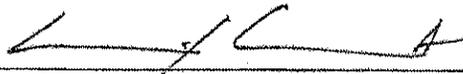
Winthrop Martin, Trustee
VANMAX Realty Trust

THE COMMONWEALTH OF MASSACHUSETTS

ESSEX, ss

March 20, 2013

Then personally appeared the above-named Winthrop Martin, trustee as aforesaid of VANMAX Realty Trust, and proved to me through satisfactory evidence of identification, which was a pictured driver's license, to be the person whose name he signed on the foregoing instrument in my presence, and further acknowledged the foregoing instrument to be his free act and deed as said trustee, before me.



Martin J. Arsenault, Notary Public
My Commission Expires: June 14, 2013

CITY OF NEWBURYPORT, MASSACHUSETTS

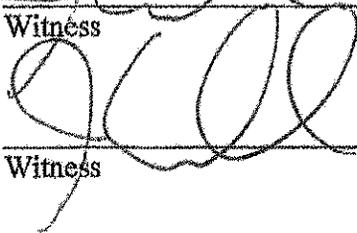
Waiver of Appraisal and Damages

KNOW ALL MEN BY THESE PRESENTS, that we, Richard L. Canepa and Beverly A. Canepa (together, "Owners"), having an address of 19 Spofford Street, Newburyport, Massachusetts, and being the owners of the property located at that same address (the "Property") by way of a deed recorded with the Essex South Registry of Deeds in Book 5534, Page 647, in consideration of the installation of improvements to the Property as set forth in Exhibit A attached hereto and incorporated herein, which improvements are hereby acknowledged as being full and satisfactory compensation for all damages sustained by said Owners on account of a taking to be made by the City of Newburyport, by and through its City Council, of permanent and temporary easements for roadway purposes in a portion of the Property as described on the plan entitled: "Easement Plan of Land, Spofford Street, Merrimac Street and Moseley Avenue, Plan of Land in Newburyport, Massachusetts Surveyed for the City of Newburyport," dated June 20, 2012, and prepared by Design Consultants, Inc., and which improvements shall only be made in the event of said taking, for ourselves and our successors and assigns, pursuant to G.L. c.79, §7A, waive, release and forever discharge the City of Newburyport, its successors and assigns, from all debt, demands, actions, reckonings, bonds, covenants, contracts, agreements, promises, damages, and liabilities and any and all other claims of every kind, nature and description whatsoever, both in Law and Equity, arising from or in consequence of said taking, consent to said taking, and waive all right to an appraisal of damages for said taking.

EXECUTED UNDER SEAL this 2nd day of AUGUST, 2012.



Witness



Witness



Richard L. Canepa



Beverly A. Canepa

CITY OF NEWBURYPORT, MASSACHUSETTS

Waiver of Appraisal and Damages

KNOW ALL MEN BY THESE PRESENTS, that I, Nicholas R. Nulty ("Owner"), having an address of 571 Merrimac Street, Newburyport, Massachusetts, and being the owner of the property located at that same address (the "Property") by way of a deed recorded with the Essex South Registry of Deeds in Book 20646, Page 88, in consideration of the sum of four thousand ^{NW} ~~five hundred dollars (\$4,500.00)~~ ^{6000,-}, which sum is hereby acknowledged as being full and satisfactory compensation for all damages sustained by said Owner on account of a taking to be made by the City of Newburyport, by and through its City Council, of permanent and temporary easements for roadway purposes in a portion of the Property as described on the plan entitled: "Easement Plan of Land, Spofford Street, Merrimac Street and Moseley Avenue, Plan of Land in Newburyport, Massachusetts Surveyed for the City of Newburyport," dated June 20, 2012, and prepared by Design Consultants, Inc., and payment of which shall be made at the time of said taking and only in the event of said taking, for myself and my successors and assigns, pursuant to G.L. c.79, §7A, waive, release and forever discharge the City of Newburyport, its successors and assigns, from all debt, demands, actions, reckonings, bonds, covenants, contracts, agreements, promises, damages, and liabilities and any and all other claims of every kind, nature and description whatsoever, both in Law and Equity, arising from or in consequence of said taking, consent to said taking, and waive all right to an appraisal of damages for said taking.

EXECUTED UNDER SEAL this 25th day of July, 2012.

Witness

NW
Nicholas R. Nulty



RESERVED FOR REGISTER USE ONLY

THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED PERMANENT AND TEMPORARY EASEMENTS. THIS PLAN SHOWS THE PROPERTY LINES OF EXISTING OWNERSHIP, AND THE LINES OF STREETS AND WAYS SURVEYED AND PLANNED AND THE LINES FOR DIVISION OF EXISTING OWNERSHIP OR NEW WAYS ARE SHOWN. I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE REQUIREMENTS OF THE REGISTERED OFFICE OF THE COMMONWEALTH OF MASSACHUSETTS.



P.L.S. STREET & CONDUIT, P.L.S. DATE REGISTRATION NO. 4700
 DATE: 4/21/17



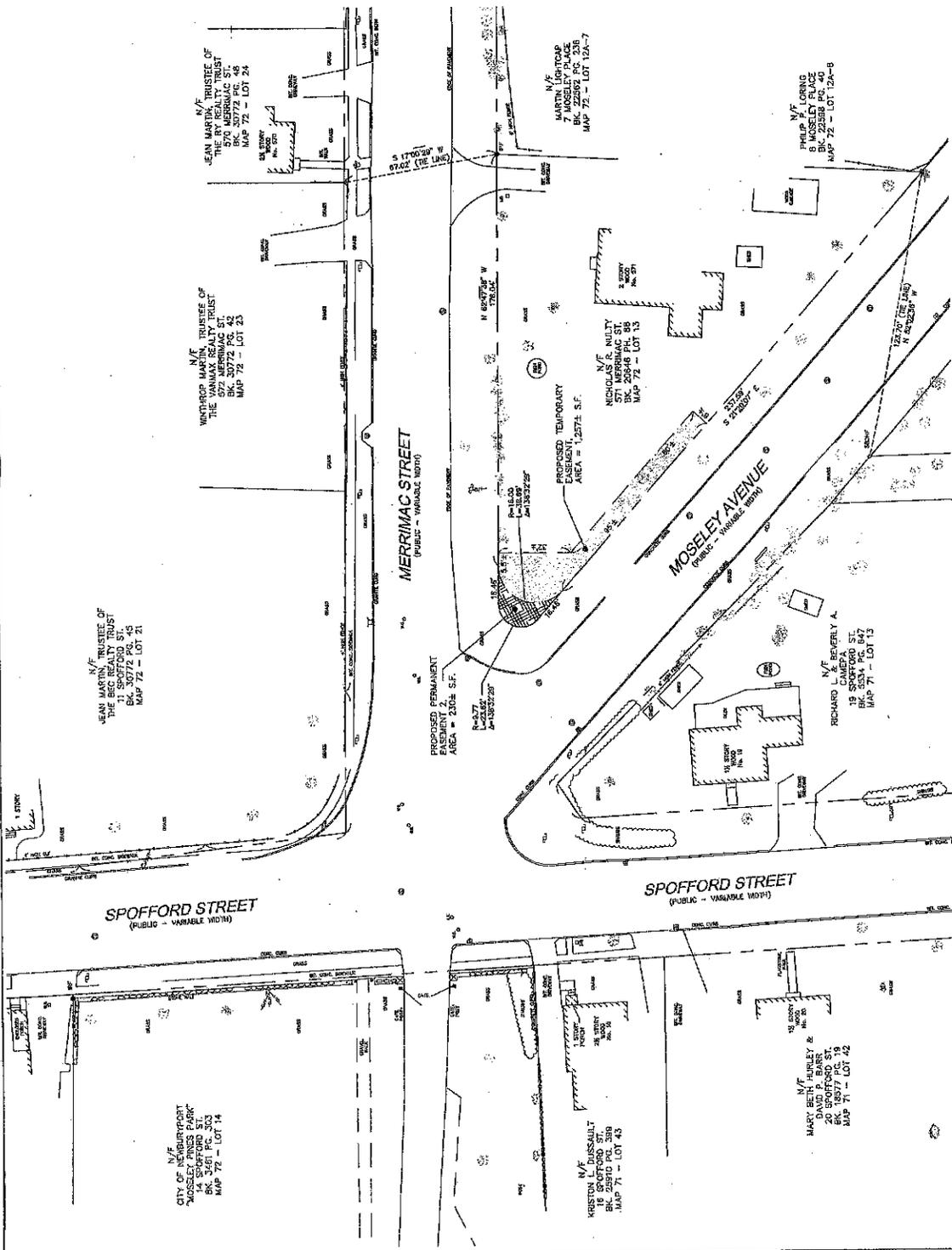
PLAN OF LAND IN
 NEWBURYPORT, MASSACHUSETTS
 SURVEYED FOR
 CITY OF NEWBURYPORT

EASEMENT PLAN OF LAND
 571 MERRIMAC STREET
 SPOFFORD STREET, MERRIMAC
 STREET AND MOSELEY AVENUE

RED:	AS	IS
CAUSE:	AS	IS
CHECKED:	AS	IS
APPROVED:	AS	IS

SCALE: HORIZ. 1" = 20'
 VERT. 1" = 10'
 DATE: _____
 BY: _____
 CHECKED: _____
 APPROVED: _____

Copyright 2013 Design Consultants, Inc.
Design Consultants, Inc.
 Consulting Engineers and Surveyors
 150 WASHINGTON AVENUE
 NEWBURYPORT, MA 01950
 617-773-5500



N/F
 JEAN MARTIN, TRUSTEE OF
 THE BEG REALTY TRUST
 BK. 30772 PG. 45
 MAP 72 - LOT 21

N/F
 WINDWOOD LAND TRUSTEE OF
 THE VANMAX REALTY TRUST
 BK. 30772 PG. 46
 MAP 72 - LOT 23

N/F
 JEAN MARIE, TRUSTEE OF
 THE VANMAX REALTY TRUST
 BK. 30772 PG. 46
 MAP 72 - LOT 24

N/F
 MARTIN LIGHTCAP
 BK. 22582 PG. 23B
 MAP 72 - LOT 12A-7

N/F
 PHILIP F. LORING
 BK. 22582 PG. 40
 MAP 72 - LOT 12A-8

N/F ANSLEY
 571 MERRIMAC ST.
 BK. 20848 P.L. 88
 MAP 72 - LOT 13

N/F
 RICHARD L. & BEVERLY A.
 CAMERA
 BK. 3034 PG. 847
 MAP 71 - LOT 13

N/F
 KRISTON L. BUSSAULT
 18 SPOFFORD ST.
 BK. 3461 PG. 303
 MAP 71 - LOT 43

N/F
 MARY BEHN HURLEY &
 DAVID P. BARR
 20 SPOFFORD ST.
 BK. 3461 PG. 303
 MAP 71 - LOT 42

N/F
 CITY OF NEWBURYPORT
 34 SPOFFORD ST.
 BK. 3461 PG. 303
 MAP 72 - LOT 14

ORDINANCE

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

April 29, 2013

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED ZONING ORDINANCE OF THE CITY OF NEWBURYPORT

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

Zoning Ordinance Amendment:

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

Section V: Use Regulations

Insert a new section "V-G" after Section V-F (Prohibited Uses) as follows:

V-G: Temporary Moratorium on Medical Marijuana Treatment Centers

A. Purpose

By vote at the State election on November 6, 2012, the voters of the Commonwealth of Massachusetts approved a law regulating the cultivation, distribution, possession and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013 and the State Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Newburyport Zoning Ordinance, a Medical Marijuana Treatment Center is not a permitted use in the City and any regulations promulgated by the State Department of Public Health are expected to provide guidance to the City in regulating medical marijuana, including Medical Marijuana Treatment Centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues and the City needs time to study and consider the regulation of Medical Marijuana Treatment Centers and address such novel and complex issues (including the potential for adverse secondary impacts from such uses or establishments in the community), as well as to address the potential impact of the State regulations on local zoning (and health regulations) and to undertake a planning process to consider amending the Zoning Ordinance regarding regulation of Medical Marijuana Treatment Centers and other uses related to the regulation of medical marijuana. The City intends to adopt a temporary moratorium on the use of land and structures in the City for Medical Marijuana Treatment Centers so as to allow the City sufficient time to engage in a planning process to address the effects of such structures and uses in the City and to enact Ordinances (or regulations) in a manner consistent with sound land use planning goals and objectives.

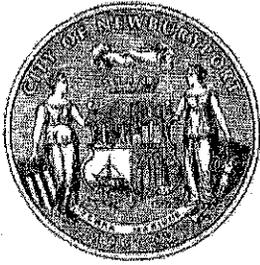
B. Definition

“Medical Marijuana Treatment Center” shall mean a “not-for-profit entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

C. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision of this Zoning Ordinance to the contrary, the City hereby adopts a temporary moratorium on the use of land or structures within the City for a Medical Marijuana Treatment Center. The moratorium shall be in effect through June 30, 2014. During the moratorium period, the City shall undertake a planning process to address the potential impacts of medical marijuana in the City, consider the Department of Public Health regulations regarding Medical Marijuana Treatment Centers and related uses, and shall consider adopting new Zoning Ordinances (or regulations) to address the impact and operation of Medical Marijuana Treatment Centers and related uses within the City.

Councillor Thomas E. Jones
Councillor Barry N. Connell



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

MEMORANDUM

TO: Honorable members of the City Council

FROM: Andrew Port, Director of Planning & Development

CC: Donna D. Holaday, Mayor
Gary W. Calderwood, Building Commissioner
Robert F. Bracey, Director of Public Health
Thomas Howard, Marshal, Newburyport Police Department
Andrea Egmont, Director of Youth Services
Planning Board
Delia O'Connor, President & Chief Executive Officer, Anna Jaques Hospital

RE: Temporary Moratorium on Medical Marijuana Treatment Centers

DATE: April 9th, 2013

Introduction & Background

On November 6, 2012, Ballot Question 3, "An Initiative Petition for a Law for Humanitarian Medical Use of Marijuana" passed with a 63.3% vote (and with a majority in 349 of 351 communities), making Massachusetts the 18th state in the nation in addition to the District of Columbia to approve the use of medical marijuana. Although the measure was overwhelmingly approved, there are potential issues that may arise from the operation of so-called "Medical Marijuana Treatment Centers" in Newburyport. As a result of the passage of Ballot Question 3, the Massachusetts Department of Public Health (MA DPH) has developed statutorily required regulations for the use of Medical Marijuana and the operation of Medical Marijuana Treatment Centers throughout the Commonwealth. These regulations are now in draft form, for review and subsequent approval by the Public Health Council. Adoption (and an effective date) of the regulations is anticipated in May of this year. Although the MA DPH regulations will address a number of issues and concerns raised in response to Ballot Question 3, each community still has a certain degree of latitude for the adoption of local zoning and health regulations pertaining to Medical Marijuana Treatment Centers. As local regulation of Medical Marijuana Treatment Centers is a new consideration in Massachusetts communities, it is advisable that we take the time necessary to review all aspects of these uses and to zone and regulate them appropriately.

Temporary Moratorium on Medical Marijuana Treatment Centers

Upon passage of Ballot Question 3 some communities immediately took a reactive stance and rushed to adopt complete bans on the creation and operation of Medical Marijuana Treatment Centers within their jurisdictions. The Town of Wakefield's proposed ban was rejected by the Attorney General's office

Temporary Moratorium on Medical Marijuana Treatment Centers

April 9th, 2013

Page 2 of 2

several weeks ago as being in direct conflict with the provisions of Ballot Question 3, including the voter's clear intent to *allow* such facilities *throughout* the Commonwealth. In contrast, a *temporary moratorium* on Medical Marijuana Treatment Centers in Burlington, Massachusetts was approved, as being "consistent with the Town's authority to impose reasonable time limitations on development, at least where those restrictions are temporary and adopted to provide controlled development while the municipality engages in comprehensive planning studies." (*emphasis added*)

While constraint on local regulation of Medical Marijuana Treatment Centers is similar to that of "Adult Uses," such businesses do not involve a constitutional debate on freedom of expression. For this reason, not all case law regarding the regulation of "Adult Uses" is applicable. While I do not believe Medical Marijuana Treatment Centers present a significant threat to the community (either through cultivation or retail sales), there are potential adverse secondary impacts we should consider prior to zoning or regulating these uses. We have already had inquiries from potential operators of such facilities looking to locate in Newburyport or surrounding communities. However, the MA DPH draft regulations for Medical Marijuana and Medical Marijuana Treatment Centers were only recently issued. As such, there has been insufficient time to evaluate the potential impact of these uses in Newburyport and the overlapping roles of federal, state and local regulation in this area.

Recommendation

At this time, I recommend that the City adopt a *temporary moratorium* on so-called Medical Marijuana Treatment Centers (as distinguished from an outright ban on such uses). This temporary moratorium will afford us additional time to evaluate the new draft regulations issued by the MA DPH, consider the potential adverse secondary impacts from such uses, and determine how best to regulate such uses through local zoning and health regulations. I have drafted an Order adopting this temporary moratorium which has been submitted to the Council for consideration at this time. I recommend that this Order be referred to the Planning & Development Subcommittee and Planning Board for a joint public hearing and recommendation (consistent with provisions of the Zoning Act and Newburyport Zoning Ordinance).

After adoption of the temporary moratorium it will be necessary for us to engage in more detailed and comprehensive discussions regarding local regulation of Medical Marijuana Treatment Centers (either through Zoning, general City Ordinances or Board of Health regulations). During this period it will also be helpful for us to monitor the experiences of other Massachusetts communities with respect to Medical Marijuana Treatment Centers. Once an agreed upon form of regulation (or regulations) is developed, we will return to the Council to replace this temporary Ordinance with a more permanent one. The final regulations will address minimum requirements for such facilities (e.g. location, operation, security, distance from schools, etc.).

Thank you in advance for your consideration and assistance. Please do not hesitate to contact me if you have any questions regarding this or other planning initiatives.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

April 29, 2013

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

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

Chapter 13 **TRAFFIC AND MOTOR VEHICLES**
Article IV Specific Street Schedules
Division 6 Stopping, Standing, and Parking

DELETE FROM:

Section 13-176.1 Same—Thirty Minutes

Street

High Street

Extent

Northerly side from Ashland Street for a distance northwesterly of approximately 135 feet between the hours of 8:00 a.m. and 6:00 p.m. except for Sundays and Holidays.

ADD TO:

Section 13-175 - Same—Two hours

No person shall park a vehicle for longer than two (2) hours between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and holidays in the following described streets or parts thereof:

Street

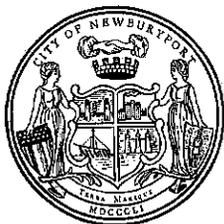
High Street

Extent

Northerly side from Ashland Street for a distance northwesterly of approximately 135 feet.

Councillor Richard E. Sullivan, Jr.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

April 29, 2013

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

Chapter 13 Traffic and Motor Vehicles
Article IV Specific Street Schedules
Division 6 Stopping, Standing and Parking
§ 13-179 Handicapped Parking

No person without a duly authorized handicapped vehicle registration or placard, as described in MGL, Chapter 90, § 2, shall park in the following described parking space as designated by signs and symbols:

Delete:

Strong Street

One (1) space in front of 24 Strong Street

Councillor Robert J. Cronin

COMMITTEE ITEMS



City of Newburyport

FY 2013

BUDGET TRANSFER REQUEST

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2013 MAR -5 P 3:24

Department: Mayor
Submitted by: Mayor Holaday **Date Submitted:** 3/26/2013

Transfer From:

Account Name	General Fund - Free Cash	YTD Bal:	\$ 1,879,152.23
Account Number:	01-35900	Trans In:	\$ -
Amount:	\$94,000.00	Trans Out:	\$ 362,798.77
Why are Funds Available:	<i>The Mass Dept of Revenue has certified Free Cash for FY 2013 at \$2,241,951 These funds are available for any legal expenditure with the recommendation of the Mayor and a majority vote of the City Council.</i>		

Transfer To:

Account Name	School Department	YTD Bal:	\$ 10,242,660.43
Account Number:	\$94,000	Trans In:	\$ -
Amount:	01300002-53201	Trans Out:	\$ -
Why are Funds Required:	<i>Additional Chapter 70 funding was provided for education after the final City Budget was passed by the City Council. Funds are required to reduce an anticipated deficit in the FY 2013 School Budget and funding to carry out a search for a new school superintendent.</i>		

Transfer To:

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

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

Donna D. Holaday
William B. Squillace

Date: 3/5/13
Date: 3/5/13

repa
bot



CITY OF NEWBURYPORT
OFFICE OF PLANNING AND DEVELOPMENT

60 PLEASANT STREET • P.O. Box 550
NEWBURYPORT, MA 01950
(978) 465-4400 • (978) 465-4452 (FAX)

Communication #4
May 29, 2012

pd

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2012 MAY 17 P 1:02

April 13, 2012

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

Re: **Proposed Zoning Change on Storey Avenue - Residential to Business**

Honorable Members of the City Council:

The purpose of this joint letter is to support the above referenced zoning change on Storey Avenue. As the attached two (annotated) maps indicates the proposed map change would covert two small residentially zoned parcels ("Swofford parcels") on Storey Avenue to the business zone, consistent with the surrounding area on Storey Avenue. As there has been unnecessary confusion regarding the nature of this zoning amendment and the overall benefits to the City, we hope this letter will help to clarify for you and your constituents.

Consistency with Surrounding Zoning on Storey Avenue

While the proposed zoning change was initiated by discussions with the development team Tropic Star, whose intent is to build a pharmacy and bank on these adjacent parcels, it should be noted that regardless of the anticipated development project, the proposed zoning change is logical simply on the basis of its consistency with our zoning ordinance.

The current zoning designation of these two parcels is R2 (Residential). The Zoning Ordinance clarifies the intent of such districts as follows:

***R-2 two-family district.** The two-family district is composed of all those areas so designated of the official zoning map and, like the preceding districts, is generally served by local streets. The predominant land uses are intended to be single and two-family homes. Uses which would detract from the desired residential character and uses which would otherwise interfere with the intent of this ordinance are prohibited.*

PTD



CITY OF NEWBURYPORT

IN CITY COUNCIL

September 24, 2012

ORDERED:

AN ORDINANCE TO AMEND AN ORDINANCE OF THE CITY OF NEWBURYPORT ENTITLED LOCAL HISTORIC DISTRICT

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

General Ordinance Amendment:

Chapter 16: Historical Commission & Local Historic Districts
Section 5: Buildings and Building Regulations
Article X: Building Demolition

Insert the following language at the end of Section 5-306:

The proposed demolition of buildings and structures included within the boundaries of the Historic Districts listed in Section 16-3 of Chapter 16 of the City Code shall not be subject to this Article, so long as the proposed demolition requires a Certificate pursuant to the requirements of Chapter 16.

Chapter 16: Local Historic District

Delete said section in its entirety, and replace said section with the following:

Chapter 16: Historical Commission & Local Historic Districts

Sec. 16-1. - Purpose.

The purpose of this chapter is to aid in the preservation and protection of the distinctive characteristics and architecture of buildings and places significant in the history of the City of Newburyport, the maintenance and improvement of their settings and the encouragement of new building designs compatible with the existing architecture.

The City of Newburyport, Massachusetts hereby establishes a Historical Commission to serve as Newburyport's Historic District Commission and to oversee Local Historic Districts within the City as provided for under Massachusetts General Laws (MGL) Chapter 40C, as amended.

pad

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 10, 2012

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED BUILDING AND BUILDING REGULATIONS

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

Chapter 5 Building and Building Regulations
Article X Building Deomolition
Sections 5-306 to 309

Amend:

In Sec. 5-306 Intent and Purpose, add the following sentence to the end of the section:

At no time shall this ordinance be used to regulate or control the interior of any structure under review by the Newburyport Historic Commission.

Amend:

In Sec. 5-307 Definitions, add the following clause to the definition of Demolition:

, but shall not include work on the interior of a structure

Amend:

In Sec. 5-308 Review procedures, add the following sentence to the end of (c) of Demolition plan review: (1)€:

If the applicant provides a structural report as noted herein, the commission shall rely on same and shall not require the applicant to permit the commission to conduct an interior investigation or interior site visit of the structure.

Amend:

In Sec. 5-308 Review procedures, add the following two sentences to the end of (c) Demolition plan review: (2)

At no time, as part of the review process shall the commission seek to enter the structure without the applicant and/or owner's express consent and then only to the extent the applicant and/or owner determines it would be appropriate as part of the review process. The commission shall not take into consideration the interior of a structure, except for the structural review as noted above, in their final decision making process.

Councillor Richard Sullivan

Handwritten signatures and initials:
D.D. + C.M. 9/10/12
J.P.R.
J.P.R.
A.D.

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date:

November 26, 2012

AN ORDINANCE REVISING DEMOLITION DELAY

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

General Ordinance Amendment:

CHAPTER 5: BUILDINGS AND BUILDING REGULATIONS

ARTICLE X: BUILDING DEMOLITION

Replace existing Section 5-306 in its entirety with the following text:

This article is adopted for the purposes of: preserving and protecting significant buildings and structures within the City of Newburyport which constitute or reflect distinctive features of the architectural, cultural, political, economic or social history of the City; and encouraging owners of any such historically significant building or structure that is preferably-preserved to preserve or to seek purchasers or lessees that would preserve, rehabilitate, or restore such preferably-preserved building or structure, rather than to demolish it. By furthering these purposes, the City of Newburyport intends to promote the public welfare and to preserve the historical resources of the City. To achieve these purposes, the Historical Commission established pursuant to Chapter 16 of the Code of Ordinances of the City of Newburyport is hereby empowered to advise the Building Commissioner with respect to the issuance of permits for the partial or total demolition of an historically significant building or structure, and the Issuance of any demolition permit affecting an historically significant building or structure is regulated as provided in this article. The proposed demolition of a building or structure located within the boundaries of a Local Historic District listed in Section 16-5 of said Chapter 16 shall not be subject to this article, so long as such proposed demolition is subject to review by the Historical Commission pursuant to said Chapter 16 and not excluded under Section 16-7 thereto.

Insert the following text in Section 5-307 after the first paragraph:

Applicant. The specific person or entity having vested ownership or equitable interest in the building or structure to which work is proposed through an application under this article, or the duly authorized agent of such person, and expressly excluding any successors-in-interest.

Handwritten notes:
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241
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full call
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district
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to 11/26/12

CITY OF NEWBURYPORT



IN CITY COUNCIL

*Added to send to P&D & Committee of the whole
KT wire second meeting in Dec 27th*

ORDERED:

Roll call yes (TO) (NO) 10 10

Date: NOVEMBER 26, 2012

AN ORDINANCE REGARDING HISTORIC PRESERVATION

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

Ordinance Amendment pursuant to Section 8D of Chapter 40 of the Massachusetts General Laws, Chapter 40C of the Massachusetts General Laws, and the powers of the City of Newburyport under the Home Rule Amendment to the Massachusetts Constitution:

CHAPTER 16: LOCAL HISTORIC DISTRICTS

Delete Chapter 16 in its entirety, and replace said chapter with the following text:

CHAPTER 16: HISTORIC PRESERVATION

Sec. 16-1. - Purposes and Determinations.

The purposes of this chapter are: to preserve, protect and develop the historical and archeological assets of the City of Newburyport; to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of structures and places significant in the history of the City of Newburyport and of the Commonwealth of Massachusetts, and through the maintenance and improvement of settings for such structures and places and the encouragement of design compatible therewith.

Therefore, through this chapter, the City of Newburyport, Massachusetts, hereby:

- A. Dissolves the heretofore-existing Historical Commission and Fruit Street Historic District Commission;
- B. Establishes in their place a newly reconstituted Historical Commission with all the powers and duties of an historical commission as provided under Section 8D of Chapter 40 of the Massachusetts General Laws, as amended, and of an historic district commission as provided under Chapter 40C of the Massachusetts General Laws, as amended, as well as under the home-rule powers of the City pursuant to Sections 1 and 6 of Article II of the Articles of Amendment of the Constitution of the Commonwealth of Massachusetts, as amended by Article LXXXIX of said Articles of Amendment;
- C. Recognizes the powers and duties of the newly reconstituted Historical Commission under Article X of Chapter 5 the Code of Ordinances of the City of Newburyport to advise the Building

March 20, 2013
RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
01950

Barry Connell

36 Woodland Street • Newburyport, MA

2013 MAR 20 A 10:00

March 15, 2013

Honorable Thomas O'Brien, President
Newburyport City Council
City Hall
Newburyport, MA 01950

Dear President O'Brien,

I am writing to request the use of the Clipper City Rail Trail and City streets on June 15, 2013, for the second annual Pan-Merrimack Challenge cycling event. The sponsoring organization is the Riverside Rockets, a team of twenty amateur athletes who share a common purpose; to raise \$100,000 in the greater Newburyport area for cancer research at the Dana Farber Cancer Institute. In August, our team will ride in the Pan-Mass Challenge, which raised \$37 million in its 2012 campaign.

Each of us has a different reason for riding. Some of us are cancer survivors, some of us have family members or friends fighting cancer, and some are riding to remember someone who has lost their fight. But we are all determined to raise funds together, to train together, and ride 190 miles together on August 2nd and 3rd to demonstrate that commitment.

We have submitted our route to the police departments of Newburyport and other communities along the cycling route, each of which has offered to assist us in street crossings and policing the fifty-mile course. We stand ready to answer any questions you may have, and urge you to join your neighbors and participate.

Thank you for your consideration.

Sincerely,



Barry Connell



Neurofibromatosis, Northeast

9 Bedford Street ~ Burlington, MA 01803

781-272-9936 ~ info@nfincne.org
www.nfincne.org

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2013 MAR -7 P 1:09

March 26, 2013

Committee
Kate Duff & Dan McKee
Co-Chairpersons

Michelle Donovan
John Duff
Megan Duff
Jill Tozza Feeney
Peter Gentile
Tracy Kelley
Chanda McKee
Kevin McKelvey
Alex Powers
Elaine Powers
Melissa White

March 6, 2013

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

Dear Richard,

On behalf of Neurofibromatosis Northeast, I am seeking permission to include Newburyport on the route for the third Annual Coast to the Cure bike ride to benefit Neurofibromatosis Northeast. Coast to the Cure takes place on Saturday, September 7, 2013. The ride starts and finishes at Stage Fort Park in Gloucester. The event consists of three prescribed routes (25, 62 and 100 miles) encompassing 18 communities: Beverly, Ipswich, Wenham, Hamilton, Essex, Manchester, Georgetown, Groveland, North Andover, Boxford, Middleton, Topsfield, Rowley, Haverhill, Amesbury, Merrimac, Newbury and Newburyport.

I can assure you that all participants will wear helmets, travel in an organized fashion on public roads, never on private property, and will obey the rules of the road. The cyclists will leave Stage Fort Park in staggered starts beginning at 7am. We anticipate approximately 50 riders in total travelling in packs of 3-6 people over a period of two hours through your community. The following Newburyport streets are on the 100 mile route: Merrimac, Moulton, Kent, Water and Ocean.

It would be greatly appreciated if you could include our request in an upcoming City Council agenda.

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.

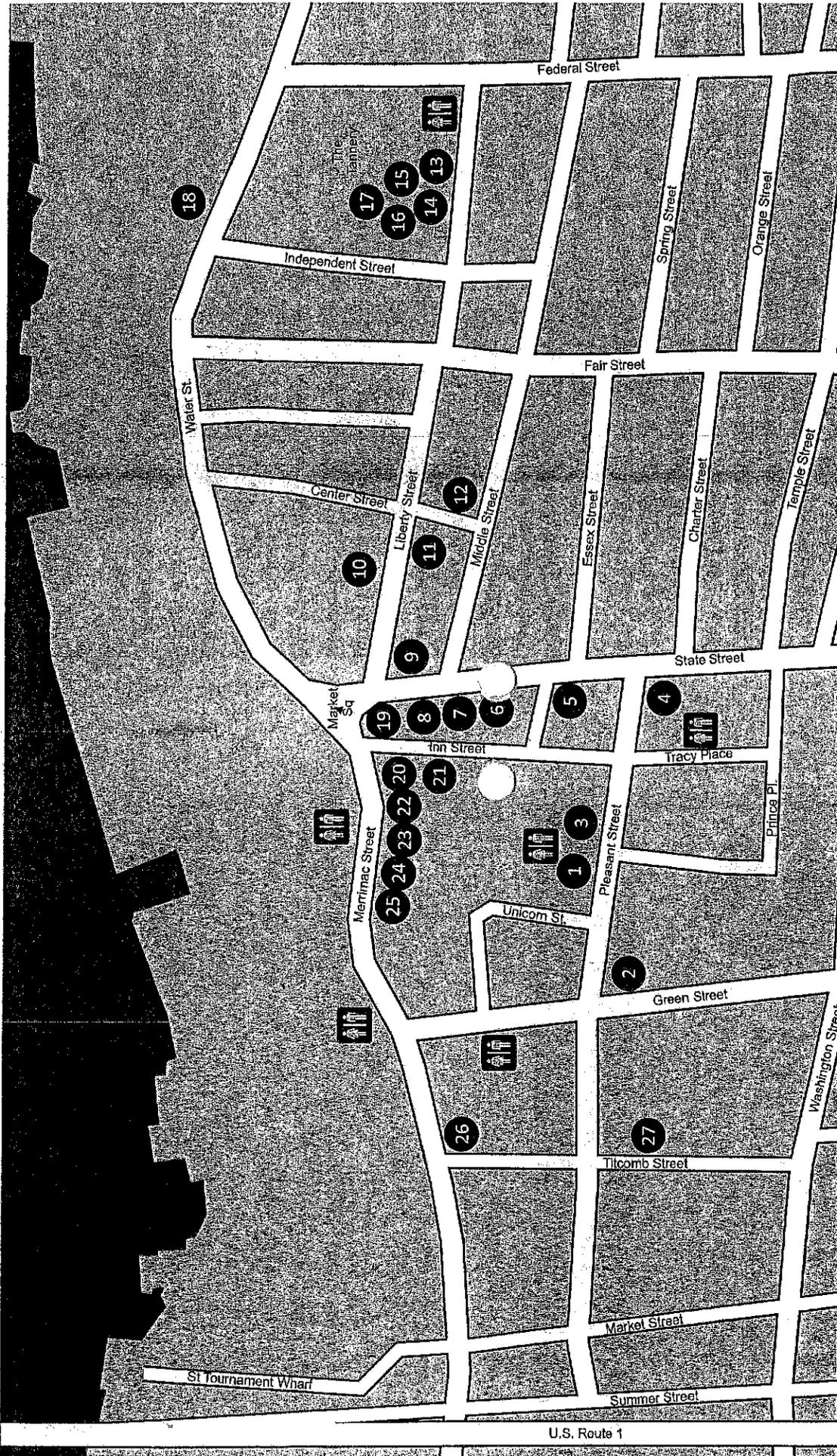
Please don't hesitate to contact me. I can be reached at (781) 272-9936 or snathan@nfincne.org.

Thanks so much for your consideration.

Sincerely,

Sonja Nathan
Director of Special Events

Neurofibromatosis, Northeast is a 501(c)(3) tax-exempt organization
An advocate for NF patients and families since 1988



- (1) Unitarian Church – Home Base
- (2) Sisters We Three
- (3) Greta's Great Grains
- (4) Richdale
- (5) Gram's Ice Cream
- (6) Valerie's Gallery
- (7) Life is Good
- (8) Body Sense
- (9) Starbucks
- (10) The Alpine Shop
- (11) Chameleon
- (12) Stella's of Middle Street
- (13) Revitalitive Café
- (14) Wish Basket
- (15) Red Bird Trading Co.
- (16) Pottery Isle
- (17) Black Duck Market
- (18) Edible Arrangements
- (19) Dragon's Nest
- (20) Port Candle
- (21) Simply Sweet
- (22) Dolce Freddo Gelato
- (23) Nazarian Jewelers
- (24) Headlines Boutique
- (25) The Ruby Slipper
- (26) A Shore Thing
- (27) Tea Noir at Garrison Inn

CITY OF NEWBURYPORT NEWBURYPORT YOUTH SERVICES

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
113 APR - 2 P 2:41

NEWBURYPORT YOUTH SERVICES
149 HIGH STREET
NEWBURYPORT, MA 01950

PHONE: (978) 465-4434

April 2, 2013

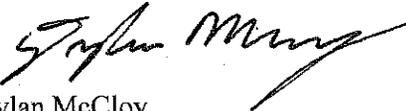
Dear President and City Council Members,

Newburyport Youth Services asks for the City Council's permission to fundraise on Saturday, May 25, 2013 and Saturday, August 3, 2013 from 11:30am to 4:30pm. The locations we wish to use, include the sidewalks on the bottom of Green Street, the Bullnose in the intersection in Market Square, the intersection of State Street and High Street, and the boardwalk.

The purpose of the fundraising is to give members of the Newburyport Youth Council the opportunity to participate in a service trip in the fall of 2013. The trip will focus on working with underprivileged youth of a different culture in Puerto Rico. Collection will be overseen by Newburyport Youth Services staff and kept with the revolving recreation account of Newburyport Youth Services.

Please call Newburyport Youth Services at 978-465-4434 with any further questions.

Thank you for your consideration,



Dylan McCloy
Newburyport Youth Council Member

ORDINANCE REVIEW COMMITTEE
ORDINANCES FOR REVIEW/REVISION

Approved Dec. 6, 2012

NECESSARY REVISIONS

The committee recommends revisions to the following six items to bring them into conformance with the charter, in accordance with Section 10(6)(5) of said charter.

1) Special meetings of the City Council

The previous charter allowed special meetings to be called by either the mayor or a majority of the members of the council. The council president was not able to call such meetings.

The new charter enables both the mayor and the president of the council to call emergency meetings. It also:

- *Allows the required notice of the meeting to be delivered to a councilor's place of business as an alternative to a residence.*
- *Requires the notice of a meeting to state the purpose or purposes*
- *Requires the 48-hour notice period to cover weekday hours only*
- *Allows for the calling of emergency meetings by the mayor or the president, which would not require 48 hours' notice. In each instance the president or the mayor is the sole judge of the emergency.*

Current language in the Ordinances/Charter:

Sec. 2-29. - Special meetings.

(a) Special meetings of the city council may be called by the mayor at any other time than that mentioned in this article by causing notices to be left at the places of residence of the council members at least forty-eight (48) hours before the time of such meeting.

(b) Whenever a majority of the city council petitions the president of the city council, in writing, naming the day of, date of, time of and object of a special meeting of the city council, the president shall call such meeting. Notice of such