

**PUBLIC HEARING  
APPLICATION AND NOTICE**

## CITY OF NEWBURYPORT



### **NOTICE OF CITY COUNCIL HEARING ON A PARTIAL DISCONTINUANCE OF BARKER STREET AND A PARTIAL DISCONTINUANCE OF HARNCH'S WAY**

Notice is hereby given pursuant to Massachusetts General Laws (M.G.L.) Chapter 82, Section 32A (Abandonment of Municipal Ways), that the Newburyport City Council will hold a Public Hearing on Monday, December 8, 2014 at 6:45 p.m. in the City Council Chambers at City Hall, 60 Pleasant Street, Newburyport, MA 01950.

The purpose of the Public Hearing is as follows:

1. To hear testimony and comment from interested persons relative to the proposed permanent discontinuance (abandonment) of a portion of the Barker Street Right-of-Way. Said portion of the Right-of-Way is a vacant (unimproved) portion of the land (between 245 Northern Boulevard and 22 Harbor Street) as shown on a plan, a copy of which is on file with the City Clerk and Office of Planning & Development, entitled "Plan of Land in Newburyport, MA Showing a Re-Division of Land at 245 Northern Boulevard," prepared by Millennium Engineering, Inc., 62 Elm Street, Salisbury, MA 01982 and dated August 15, 2014.
2. To hear testimony and comment from interested persons relative to the proposed permanent discontinuance (abandonment) of a portion of the Harnch's Way Right-of-Way. Said portion of the Right-of-Way is a thin triangular-shaped sliver of land between the constructed portion of Harnch's Way and the adjacent "Famous Pizza" restaurant. Said portion of the Right-of-Way is shown on a plan, a copy of which is on file with the City Clerk and Office of Planning & Development, entitled "2 Ferry Road Discontinuance," prepared by DGT Survey Group - North Shore, 18 Center Street, Newburyport, MA 01950 and dated October 12, 2012. This sliver of land (approximately 731 sq.ft.) is currently used as parking for the "Famous Pizza" restaurant and contains a metal guardrail and subsurface utilities (sewer line).

In accordance with M.G.L. Chapter 82, Section 32A, these portions of Barker Street and Harnch's Way, respectively, will be declared abandoned and unused for ordinary travel and the Council is expected to determine that the common convenience and necessity no longer requires this portion of the public way to be maintained in a condition reasonably safe and convenient for travel.

70/ 11/ / /

ASPROGIANNIS S G & D G TRUSTEES  
S & D REALTY TRUST  
2 STOREY AVENUE  
NEWBURYPORT, MA 01950

70/ 12/ / /

CITY OF NEWBURYPORT  
VACANT LAND  
60 PLEASANT ST  
NEWBURYPORT, MA 01950

77/ 37/ / /  
REAGAN JANICE  
WALLACE TAYLOR T/E  
6 76TH ST  
NEWBURYPORT, MA 01950

77/ 38/ / /  
WILLIAMSON LISA  
1 BARKER ST  
NEWBURYPORT, MA 01950

77/ 39/ / /  
HAWKES GLENN W  
ANNE MARIE T/E  
5 TAYLOR ST  
NEWBURYPORT, MA 01950

77/ 41/ / /  
PICKETT JUDITH M TRUSTEE  
NANA'S LEGACY TRUST  
4 TAYLOR ST  
NEWBURYPORT, MA 01950

77/ 42/ / /  
NORTON MICHAEL R  
7001 BALLENA WAY UNIT 29  
CARLSBAD, CA 92009-6068

77/ 44/ / /  
COOKKE JENNIFER K  
23 BRIDGHAM FARM RD  
EAST PROVIDENCE, RI 02916

77/ 45/ / /  
THOLEN LISA A  
102 WARREN STREET  
WEST MEDFORD, MA 02155

77/ 47/ / /  
RAFTERY KEVIN  
DEBRA T/E  
245 NORTHERN BLVD  
NEWBURYPORT, MA 01950

77/ 48/ / /  
PETERSEN BONNIE J  
RYDZY KRYSTYNA J/T  
16 BARKER ST  
NEWBURYPORT, MA 01950

77/ 50/ / /  
HOBART EDWIN T.  
390 BROADWAY APT#42  
SOMERVILLE,, MA 02145

77/ 51/ / /  
MCDONALD DORIS M  
227 N BLVD PI  
NEWBURYPORT, MA 01950

77/ 52/ / /  
LAMBERT SCOTT  
SUSAN T/E  
8 BARKER ST  
NEWBURYPORT, MA 01950

77/ 53/ / /  
ALTMAN ELIZABETH J  
19 GARVEY ROAD  
FRAMINGHAM, MA 01701

77/ 54/ / /  
PALETTA WILLIAM T  
JUDITH L T/E  
2 BARKER ST  
NEWBURYPORT, MA 01950

77/ 67/ / /  
RING WILLIAM E JR  
9 78TH ST  
NEWBURYPORT, MA 01950

**Subject:** FW: Barker Street Discontinuance  
**From:** Mark W Griffin (mark@markgriffinlaw.com)  
**To:** jaredeigerman@yahoo.com; edcameronnbpt@gmail.com;  
**Cc:** kraftey@comcast.net;  
**Date:** Monday, November 17, 2014 3:11 PM

Jared and Ed:

NFD comments on this below.

Mark W. Griffin  
Law Office of Mark W. Griffin, P.C.  
11 Market Square, Suite 8  
Newburyport, MA 01950  
Tel 978-358-7072  
Fax 978-358-7082  
e-mail: mark@markgriffinlaw.com

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**From:** Steve Bradbury [mailto:SBradbury@CityofNewburyport.com]  
**Sent:** Monday, November 17, 2014 2:53 PM  
**To:** Mark W Griffin  
**Subject:** RE: Barker Street Discontinuance

Hi Mark, checked it out today and spoke to Andrew in planning office. No problem with fire department on this.

Thanks

Deputy Steve Bradbury

**From:** Mark W Griffin [<mailto:mark@markgriffinlaw.com>]  
**Sent:** Thursday, November 06, 2014 4:48 PM  
**To:** Steve Bradbury  
**Subject:** Barker Street Discontinuance

Hi Steve:

My clients, Kevin and Debra Raftery own 0 Harbor Street and 245 Northern Boulevard. They are petitioning the City Council to discontinue the paper street area between their two lots on the attached plan. The City Council has asked for input from the fire department as to this proposal. I believe the area is unnecessary for access to any other property as there are paved streets serving all contiguous lots. Would you kindly respond to this e-mail to provide that input so that I can place your comments in the City Council records? Thanks.

Mark W. Griffin

Law Office of Mark W. Griffin, P.C.

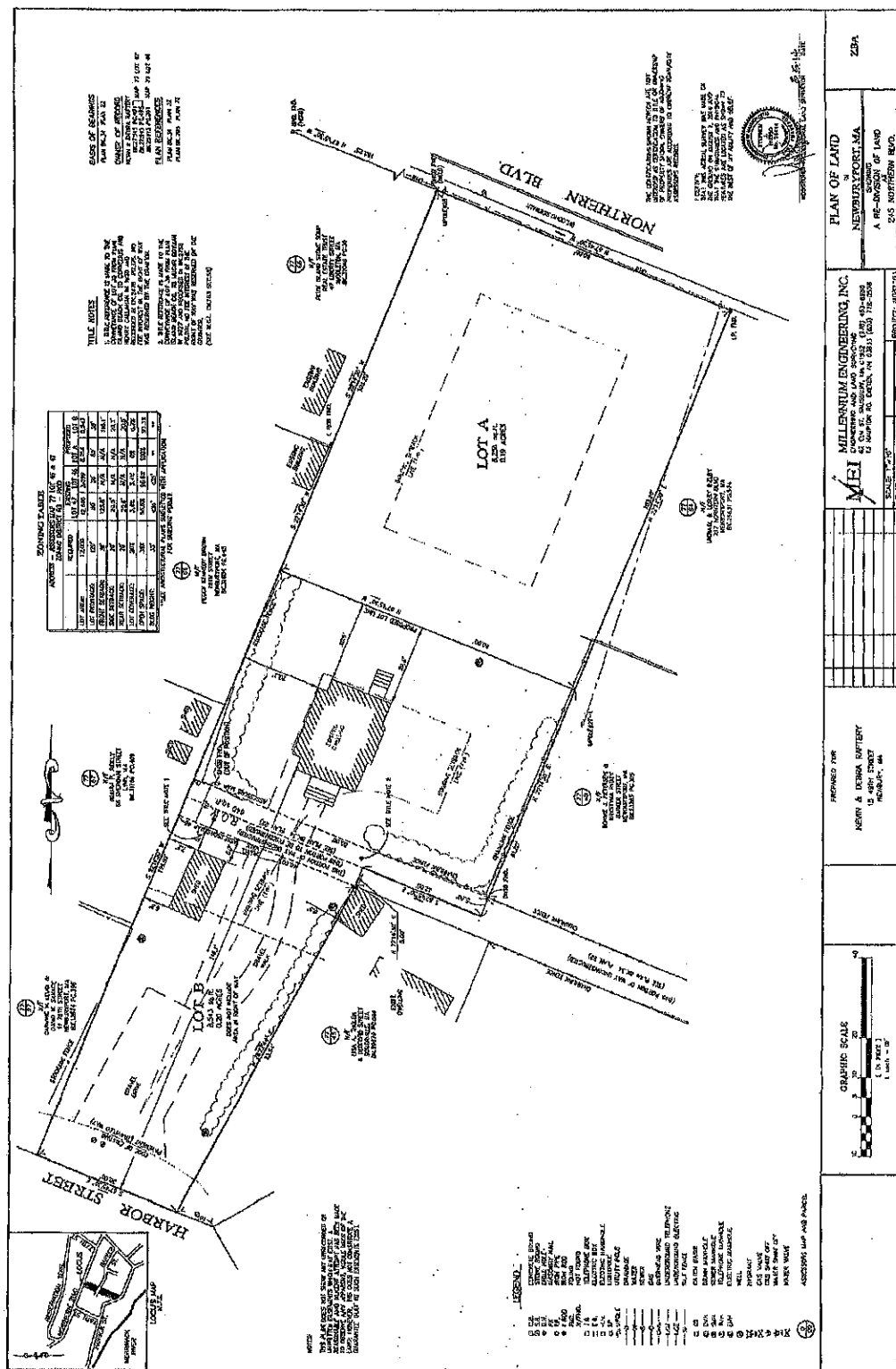
11 Market Square, Suite 8

Newburyport, MA 01950

Tel 978-358-7072

Fax 978-358-7082

e-mail: [mark@markgriffinlaw.com](mailto:mark@markgriffinlaw.com)



## Andrew Port

---

**From:** Jon-Eric White  
**Sent:** Friday, November 21, 2014 11:10 AM  
**To:** Andrew Port  
**Cc:** Mark W Griffin (mark@markgriffinlaw.com); larrygiunta12@gmail.com; Thomas F. O'Brien (thomasobrien11@aol.com); Peter Lombardi; Anthony Furnari; Richard Jones; Allison Heartquist (heartquist@gmail.com); Jared Eigerman (jeigerman@dfllp.com); Kathryn Newhall-Smith  
**Subject:** Re: Roadway Discontinuances: Barker Street & Harnch's Way

Correction, obviously I meant Ferry Road, not Moseley, sorry. Lastly, I'd like to review their latest design Plan next week prior to you folks moving forward with said Plan. Thx.

*Sent from my Verizon Wireless 4G LTE DROID*

Andrew Port <APort@CityofNewburyport.com> wrote:

Great. Thanks for the input Jon-Eric. I defer to the comments from Jon-Eric (below) regarding any need for a sidewalk at this time (on Harnch's Way adjacent to Famous Pizza).

**Andrew R. Port, AICP**  
**Director of Planning & Development**

**Office of Planning & Development**  
**City of Newburyport**  
**60 Pleasant Street**  
**Newburyport, MA 01950**

**Phone** (978) 465-4400  
**Fax #** (978) 465-4452  
**Email** aport@cityofnewburyport.com  
**Web** www.cityofnewburyport.com

---

**From:** Jon-Eric White  
**Sent:** Friday, November 21, 2014 9:22 AM  
**To:** Andrew Port  
**Cc:** Mark W Griffin (mark@markgriffinlaw.com); larrygiunta12@gmail.com; Thomas F. O'Brien (thomasobrien11@aol.com); Peter Lombardi; Anthony Furnari; Richard Jones; Allison Heartquist (heartquist@gmail.com); Jared Eigerman (jeigerman@dfllp.com); Kathryn Newhall-Smith  
**Subject:** Re: Roadway Discontinuances: Barker Street & Harnch's Way

All,

Sorry for late reply but I've been out a lot this week for surgery (non life threatening, ha) just hitting my emails. Months ago I walked the site with the owner and his architect after one of our TRC Mtgs with them. I emailed city employees the results but let me refresh....



We agreed that there is virtually no foot traffic from Moseley, along Harnchs, and up Storey towards Port Plaza. He has no problem putting a sidewalk in but it won't be used much at all. There are no sidewalks now on Harnchs but there are along Moseley and Storey so it won't be changing any patterns and we don't eliminate a safe route. I much prefer landscaping for obvious reasons plus snow storage. Plus the fact we are in conceptual design phase of Storey and 3-Roads so whatever is done to Harnchs now will hopefully be reconstructed within 5 years. So let's save money and prevent waste. My opinion.

As for drainage, widening will not change the existing runoff pattern. No sidewalk, just widening, the paving crew can maintain same runoff pattern. We just need to add handicap ramps on the east side of Harnchs.

Hope this helps.  
Jon-Eric

*Sent from my Verizon Wireless 4G LTE DROID*

Andrew Port <[APort@CityofNewburyport.com](mailto:APort@CityofNewburyport.com)> wrote:

**Mark** – I understand you are now counsel for both the Barker Street residents and Famous Pizza, both projects involving the discontinuance of a public way (requested before the City Council). The yellow-highlighted comments below were sent to us by Councilor Jared Eigerman on 11/3. Can you see that the information he requests is provided (via email to both of us at least) prior to the scheduled Council hearing on the roadway discontinuances (both Barker Street & Harnch's Way)? If the Council doesn't have what they want/need the matter may be delayed before a vote. Feel free to communicate with Jared directly and cc me. Thanks.

**Mark & All** - FYI, Steve Bradbury (Fire Dept) checked Barker Street and has no concerns about the discontinuance whatsoever. The only DPS/Fire concern regarding Harnch's Way is that we need to have a recorded easement for the existing subsurface water line (and any future utilities) in the 731 sq.ft. sliver of land being discontinued. Mark - Forward me whatever you can to resolve this (title report, draft/recorded easement, etc.).

**Mark/Rich** - The attached Order for discontinuance of Harnch's Way is being submitted to the City Council today for their meeting on Monday, 11/24, at which time I expect the matter to be referred to the Planning & Development Committee and Committee of the Whole for review and a public hearing (December 8, 2014 at 6:45pm)

**Tony** – Just FYI, regarding the Harnch's Way discontinuance request and an easement for the existing water line... (see attached GIS map locating the relevant water line, approximately)

**Peter** – The Famous Pizza ZBA application (see attached plan) proposes to remove the existing guardrail and replace it with a grassed strip along the edge of the existing parking lot. Although the applicant proposes to widen Harnch's Way several feet and repave it (as requested) the plans do not include a sidewalk along this stretch. This is not a huge issue for me, but I recall we discussed this at the neighborhood meetings. Do you recall how we agreed to handle this? The roadway could be widened a bit to allow for installation of a sidewalk along Harnch's Way, although it is possible that a few small trees in the triangular corner/landscaped island would need to be removed/relocated. The ZBA should address this (as appropriate) in their pending Variance application/decision.

**Jon-Eric, Tony, Larry & Tom** – Please weigh in on my comments/question to Peter (see above)... i.e. the need for a sidewalk here along Harnch's Way, where the metal guardrail is now located.

Sorry for the lengthy email folks, but these issues seem to be intertwined and it seems all should be informed where they overlap.

Best –  
Andy

**Andrew R. Port, AICP**  
**Director of Planning & Development**

**Office of Planning & Development**  
**City of Newburyport**  
**60 Pleasant Street**  
**Newburyport, MA 01950**

**Phone** (978) 465-4400  
**Fax #** (978) 465-4452  
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**Web** [www.cityofnewburyport.com](http://www.cityofnewburyport.com)

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At a minimum, to give up a public street, I'd want: a title report; copy of the plan that \_created\_ the street; copy of plan showing elimination of the street; written opinion of the Fire Chief regarding effect of eliminating public access on provision of emergency services; written opinion of DPS regarding effect on provision of vehicular access and public utilities.

I haven't seen anything yet, and a previous applicant, for Collins Street, I think, tried to rush us without providing what we needed.

Again, this is public property we're being asked to give away for free.

Jared Eigerman

70,300

14

15,000

11,207

5

1212

12

6

11,207

10,823

7

10

8

9620

6640

7130

10

4

12,400

2

10,200

12

11

13

4,500

3000

14

5

15

9

16

11

17

13

CAD

18

82

14

83

10

## Andrew Port

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**From:** Dan Raycroft  
**Sent:** Monday, November 24, 2014 4:01 PM  
**To:** Jared Eigerman; Andrew Port  
**Cc:** Edward C. Cameron Jr.; Barry Connell  
**Subject:** RE: Roadway Discontinuances: Barker Street & Harnch's Way

Jared,

I have read Mr. Carter's appraisal of the subject property on Harnch's Way and I am in full agreement with him regarding his estimate of value. Mr. Carter is a well-known professional, his appraisal appears to be in compliance with USAP regulations and I believe he used the most appropriate comps available at the time. Furthermore, it is my opinion that any additional time adjustments from the date of his appraisal until now would be minimal.

Please let me know if I can be of further assistance.

Dan

---

**From:** Jared Eigerman [mailto:jeigerman@dfllp.com]  
**Sent:** Monday, November 24, 2014 1:06 PM  
**To:** Andrew Port; Dan Raycroft  
**Cc:** Edward C. Cameron Jr.; Barry Connell  
**Subject:** RE: Roadway Discontinuances: Barker Street & Harnch's Way

Thanks, Andy. The attachments did not make it through to me, but the Assessor is the one who really needs them, of course.

**Jared Eigerman**  
LEED AP Operations + Maintenance

**DALTON & FINEGOLD, LLP**  
183 State Street, 5th Floor  
Boston, MA 02109

email: [jeigerman@dfllp.com](mailto:jeigerman@dfllp.com)  
direct: (617) 936-7777  
cell: (978) 376-6355  
[Jared Eigerman | LinkedIn](#)

*This transmittal contains confidential information that may be legally privileged. The information is intended only for the use of the listed recipient(s) named above. If you are not a named recipient, any disclosure, copying, distribution or taking of any action in reliance upon the contents hereof, except direct delivery to the intended named recipient(s), is strictly prohibited. If you have received this transmittal in error, please notify the sender immediately by telephone at (617) 936-7777. Thank you.*

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**From:** Andrew Port [mailto:APort@cityofnewburyport.com]  
**Sent:** Monday, November 24, 2014 12:40 PM  
**To:** Jared Eigerman; Dan Raycroft  
**Cc:** Edward C. Cameron Jr.; Barry Connell  
**Subject:** RE: Roadway Discontinuances: Barker Street & Harnch's Way

Jared/Dan & All – In reference to your email exchange below, please find attached a copy of the 3/20/2013 letter from Attorney Mark Janos offering \$7,000 for the Harnch's Way sliver. Also attached is a full copy of the formal appraisal done for this sliver of land dated 12-6-2012.

Andrew R. Port, AICP  
Director of Planning & Development

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Web [www.cityofnewburyport.com](http://www.cityofnewburyport.com)

---

**From:** Jared Eigerman [<mailto:jeigerman@dfilp.com>]  
**Sent:** Friday, November 21, 2014 9:36 AM  
**To:** Dan Raycroft  
**Cc:** Andrew Port; Edward C. Cameron Jr.; Barry Connell; Richard Jones  
**Subject:** Fwd: Roadway Discontinuances: Barker Street & Harnch's Way

Dan,

The City has been asked to abandon a sliver of land at Harnsch's Way. Could you please do a valuation? The plans are attached.

There's a similar request at Barker Street on Plum Island that I'll send.

Jared Eigerman  
Direct (617) 936-7777

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## Andrew Port

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**From:** Anthony Furnari  
**Sent:** Tuesday, November 18, 2014 1:54 PM  
**To:** Andrew Port; Mark W Griffin (mark@markgriffinlaw.com); Jon-Eric White; larrygiunta12@gmail.com; Thomas F. O'Brien (thomasobrien11@aol.com); Peter Lombardi; Richard Jones  
**Cc:** Allison Heartquist (heartquist@gmail.com); Jared Eigerman (jeigerman@dfllp.com); Kathryn Newhall-Smith; Wayne Amaral  
**Subject:** RE: Roadway Discontinuances: Barker Street & Harnch's Way

Sounds good Andy! Let me know and we can take a look at it.

Tony

---

**From:** Andrew Port  
**Sent:** Tuesday, November 18, 2014 1:49 PM  
**To:** Anthony Furnari; Mark W Griffin (mark@markgriffinlaw.com); Jon-Eric White; larrygiunta12@gmail.com; Thomas F. O'Brien (thomasobrien11@aol.com); Peter Lombardi; Richard Jones  
**Cc:** Allison Heartquist (heartquist@gmail.com); Jared Eigerman (jeigerman@dfllp.com); Kathryn Newhall-Smith; Wayne Amaral  
**Subject:** RE: Roadway Discontinuances: Barker Street & Harnch's Way

Thanks Tony. Agreed. I do not know how best to deal with stormwater at that location, though I am happy to take a look with DPS. I raise the question of the sidewalk connection again because it seems awkward to dump pedestrians out at Harnch's Way with nowhere to go. A dead-end sidewalk ramp is shown on the plans.

Andrew R. Port, AICP  
Director of Planning & Development

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Web [www.cityofnewburyport.com](http://www.cityofnewburyport.com)

---

**From:** Anthony Furnari  
**Sent:** Tuesday, November 18, 2014 1:38 PM  
**To:** Andrew Port; Mark W Griffin ([mark@markgriffinlaw.com](mailto:mark@markgriffinlaw.com)); Jon-Eric White; [larrygiunta12@gmail.com](mailto:larrygiunta12@gmail.com); Thomas F. O'Brien ([thomasobrien11@aol.com](mailto:thomasobrien11@aol.com)); Peter Lombardi; Richard Jones  
**Cc:** Allison Heartquist ([heartquist@gmail.com](mailto:heartquist@gmail.com)); Jared Eigerman ([jeigerman@dfllp.com](mailto:jeigerman@dfllp.com)); Kathryn Newhall-Smith; Wayne Amaral  
**Subject:** RE: Roadway Discontinuances: Barker Street & Harnch's Way

Hi Andy,

An easement is required for the sewer line that borders the property. Sidewalks are always needed and would be a benefit for storm water runoff if it could be added to the project....

Tony

---

**From:** Andrew Port

**Sent:** Tuesday, November 18, 2014 1:14 PM

**To:** Mark W Griffin ([mark@markgriffinlaw.com](mailto:mark@markgriffinlaw.com)); Jon-Eric White; [larrygiunta12@gmail.com](mailto:larrygiunta12@gmail.com); Thomas F. O'Brien ([thomasobrien11@aol.com](mailto:thomasobrien11@aol.com)); Peter Lombardi; Anthony Furnari; Richard Jones

**Cc:** Allison Heartquist ([heartquist@gmail.com](mailto:heartquist@gmail.com)); Jared Eigerman ([jeigerman@dfilp.com](mailto:jeigerman@dfilp.com)); Kathryn Newhall-Smith

**Subject:** Roadway Discontinuances: Barker Street & Harnch's Way

**Importance:** High

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Sorry for the lengthy email folks, but these issues seem to be intertwined and it seems all should be informed where they overlap.

Best –  
Andy

**Andrew R. Port, AICP**  
**Director of Planning & Development**





CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd.	Ch.	Element	Cd.	Ch.
Model	00	Vacant			
			MIXED USE		
			Code	Description	Percentage
			9030	MUNICIPAL MDL-00	100
			COST/MARKET VALUATION		
			Adj. Base Rate:		
			0.00		
			Replace Cost		
			0		
			AYB		
			0		
			EYB		
			0		
			Dep Code		
			Remodel Rating		
			Year Remodeled		
			Dep %		
			Functional Obslnc		
			1		
			External Obslnc		
			Cost Trend Factor		
			Condition		
			% Complete		
			Overall % Cond		
			Apprais Val		
			0		
			Dep % Ovr		
			Dep Ovr Comment		
			0		
			Misc Imp Ovr		
			0		
			Misc Imp Ovr Comment		
			Cost to Cure Ovr		
			0		
			Cost to Cure Ovr Comment		
			OB-OUTBUILDING & YARD ITEMS(L) / XF-BUILDING EXTRA FEATURES(B)		
Code	Description	Sub	Sub Description	L/B Units	Unit Price
				Yr	Gde
				Dp Rt	Cnd
				%Cnd	Apr Value
			BUILDING SUB-AREA SUMMARY SECTION		
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost
					Undeprec. Value
			Ttl. Gross Liv/Lease Area:		
		0	0	0	0

No Photo On Record

**CITY COUNCIL MEETING AGENDA - VERSION 1**

**December 8, 2014**

**6:45PM**

**Hearing on Discontinuance Harnch's Way & Barker Street**

**7:30 PM**

(Sound Check)

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE ITEMS**
- 5. PUBLIC COMMENT**
- 6. MAYOR'S 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.

**7. APPROVAL OF MINUTES**

November 24, 2014

(Approve)

**8. TRANSFERS**

1. Mayor Free Cash \$21,865.43 to Essex North Shore Tech School (B&F)

**9. COMMUNICATIONS**

1. Letter from Parks Commission close Greenleaf St. January 31, 2015 Winter Carnival (PS)
2. Newburyport Retirement Board Expense Budget C/Y 2015 (B&F)
3. Renewal of Second Hand Motor Vehicles Sales License RL Currie Corp. (L&P)

**10. APPOINTMENTS – First Reading**

**APPOINTMENTS**

- |                           |                 |                                  |              |
|---------------------------|-----------------|----------------------------------|--------------|
| 1. Shawn Flaherty         | 3 Summit Place  | Diversity & Tolerance Commission | Dec. 1, 2017 |
| 2. George H. Ellison, Jr. | 2A Noble Street | Waterfront Trust                 | Dec. 1, 2019 |

**RE-APPOINTMENTS**

- |                        |                                       |                                  |                 |
|------------------------|---------------------------------------|----------------------------------|-----------------|
| 3. Enrico Caruso       | 34 Russett Hill Road, Haverhill       | Asst Harbormaster & Spec PO      | Dec. 31, 2017   |
| 4. Francis F. Chaisson | 300 Merrimac Street                   | Asst Harbormaster & Spec PO      | Dec. 31, 2017   |
| 5. Michael Chaisson    | 46 Lake Attitash Rd, Amesbury         | Asst Harbormaster & Spec PO      | Dec. 31, 2017   |
| 6. Joseph Grande       | 52 Linwood Ave., Methuen              | Asst Harbormaster & Spec PO      | Dec. 31, 2017   |
| 7. Adam R. Hayden      | 76 Longfellow Drive                   | Asst Harbormaster & Spec PO      | Dec. 31, 2017   |
| 8. James Maranto       | 167 Harper Ridge Rd, E. Hampstead, NH | Asst Harbormaster & Spec PO      | Dec. 31, 2017   |
| 9. Benedetto Orlando   | 104 N. Ave, Apt. 2, Haverhill         | Asst Harbormaster & Spec PO      | Dec. 31, 2017   |
| 10. Philip Stern       | 271 Merrimac St, Apt. 2               | Asst Harbormaster & Spec PO      | Dec. 31, 2017   |
| 11. David Willey       | 13 Devonshire Crossing, Lowell        | Asst Harbormaster & Spec PO      | Dec. 31, 2017   |
| 12. Kristian Zoeller   | 115 Timber Swamp Rd, Hampton, NH      | Asst Harbormaster & Spec PO      | Dec. 31, 2017   |
| 13. Rabbi Avi Poupko   | 2 Pleasant Street                     | Diversity & Tolerance Commission | Nov. 1, 2017    |
| 14. Daniel Raycroft    | 1 Brown Ave, Amesbury                 | Assesor                          | January 1, 2018 |

**END OF CONSENT AGENDA**

**REGULAR AGENDA**

**11. COMMUNICATIONS**

4. LATE FILE Mayor's Update

**12. APPOINTMENTS Second Reading -**

**RE-APPOINTMENTS**

- |                    |                 |                |              |
|--------------------|-----------------|----------------|--------------|
| 15. Noah A. Luskin | 36 Plummer Ave. | Planning Board | May 31, 2019 |
|--------------------|-----------------|----------------|--------------|

## APPOINTMENTS

16. Greg M. Ogden  
17. Tracy Maynard

6 Merrill Street  
16 Doe Run Dr.

Licensing Board  
Human Resources Director

June 1, 2018  
January 1, 2018

### 13. ORDERS

1. TABLED Discontinuance Harnch's Way

### 14. ORDINANCES

1. PENDING PRINTING Second Reading Amend ORD 13- 179 Handicap Space Emma Andrews Library
2. Amend ORD 13-184 Handicapped Parking Regulations

### 15. COMMITTEE ITEMS

#### Budget & Finance

##### *In Committee:*

1. Mayor letter regarding Order for Revolving Fund Expenses \*03/17/2014
2. Order Amend Revolving Fund expenses \*03/17/2014
3. Order Home Rule Petition- supplementing education budget (COTW) \*05/12/2014
4. Amend ORD Ch. 2 Section 2-45 City Council Salary \*05/12/2014
5. Amend ORD Ch. 2 Section 2-61A School Committee Salary \*05/12/2014
6. Human Resources Dependent Audit \*06/30/2014
7. Letter from Hope Church regarding Master Box fee \*11/10/2014
8. PERAC 2016 Fiscal Year Appropriation \*11/24/2014

#### General Government

#### Joint Education

##### *In Committee:*

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

#### License & Permits

##### *In Committee:*

1. Movable Sign Application Newburyport Brewing Company \*02/10/2014
2. Amend ORD Sec. 9-114 Transient Vendors Restricted Areas \*04/28/2014
3. Letter regarding transient vendor licensing \*06/30/2014

#### Neighborhoods and City Services

#### Planning & Development

##### *In Committee:*

1. Letter from Newburyport Preservation Trust \*03/31/2014
2. Amend ORD Zoning Change, R3 Zone to R2 Zone - Back Bay Neighborhood \*09/29/2014
3. Order Proposed vote of Discontinuance of Barker St. \*10/14/2014

#### Public Safety

##### *In Committee:*

1. Amend ORD 13-174 State Street Resident Parking \*11/10/2014
5. Flag Day 5K June 13, 2015 Soldiers Assistance Fund \*11/24/2014
2. Amend ORD 13-168 Parking Restricted Court Street \*11/24/2014

#### Public Utilities Committee

##### *In Committee:*

1. Letter from Daniel Eyink, MD regarding water fluoridation \*05/27/2014
2. Water and Sewer Commissions adjustment of sewer bill charges re second meters \*11/24/2014

#### Rules Committee

### 16. GOOD OF THE ORDER

### 17. ADJOURNMENT

## CONSENT AGENDA

---

# CITY COUNCIL MEETING MINUTES - VERSION 1

November 24, 2014

**7:30PM**

Council President O'Brien called the meeting to order at 7:30 pm. A moment of silence was held for Thomas Fleming who had served on the NRA and the Planning Board, and for Cynthia Houle of the Salvation Army. This was followed by the Pledge of Allegiance. He then instructed the City Clerk to call the roll. The following Councillors answered present: Cameron, Connell, Cronin, Eigerman, Giunta, Heartquist, Herzog, Kinsey, Tontar, Vogel, O'Brien. 11 present.

**LATE FILES** –Communication #5 Mayor's Update, Appointment #4 and additional papers for the Flag Day Race.  
**Motion to waive the rules and allow late files by Councillor Cameron, seconded by Councillor Tontar. So voted.**

## **PUBLIC COMMENT**

- |                  |                  |                             |
|------------------|------------------|-----------------------------|
| 1. Tracy Maynard | 16 Doe Run Drive | HR Director Appointment     |
| 2. Gregg Ogden   | 6 Merrill St.    | Licensing Board Appointment |

**MAYOR'S COMMENT** – The Mayor gave a brief update.

## **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.

### **1. APPROVAL OF MINUTES**

November 10, 2014

(Approved)

### **2. COMMUNICATIONS**

- |  |            |
|--|------------|
| 1. Flag Day 5K June 13, 2015 Soldiers Assistance Fund                  | (PS)       |
| 2. Congregation Ahavas Achim Menorah in Market Square Dec. 15-24, 2014 | (Approved) |
| 3. PERAC 2016 Fiscal Year Appropriation                                | (B&F)      |

### **3. APPOINTMENTS – First Reading**

#### **RE-APPOINTMENTS**

- |                   |                 |                |              |
|-------------------|-----------------|----------------|--------------|
| 1. Noah A. Luskin | 36 Plummer Ave. | Planning Board | May 31, 2019 |
|-------------------|-----------------|----------------|--------------|

#### **APPOINTMENTS**

- |                  |                  |                 |              |
|------------------|------------------|-----------------|--------------|
| 2. Greg M. Ogden | 6 Merrill Street | Licensing Board | June 1, 2018 |
|------------------|------------------|-----------------|--------------|

#### **END OF CONSENT AGENDA**

**Motion to approve the consent agenda by Councillor Cameron, seconded by Councillor Tontar. So voted.**

## **REGULAR AGENDA**

### **4. COMMUNICATIONS**

4. Minutes of the NRA and City Council meeting Sept. 30, 2014

**Motion to approve by Councillor Herzog, seconded by Councillor Tontar. Motion to amend paragraph 2 by Councillor Eigerman, seconded by Councillor Herzog . Motion with friendly amendment to paragraph 5 by Councillor Tontar, seconded by Councillor Cronin. Motion with friendly amendment to paragraph 7 by Councillor Kinsey, seconded by Councillor Cronin. Motion to amend paragraph 10 by Councillor O'Brien, seconded by Councillor Cronin. Motion to approve as mended by Councillor Eigerman, seconded by Councillor Kinsey. So voted.**

5. LATE FILE Mayor's Update

**Motion to receive and file by Councillor Cameron, seconded by Councillor Tontar. So voted.**

### **5. APPOINTMENTS First Reading –**

#### **APPOINTMENTS**

- |                  |                |                          |                 |
|------------------|----------------|--------------------------|-----------------|
| 4. Tracy Maynard | 16 Doe Run Dr. | Human Resources Director | January 1, 2018 |
|------------------|----------------|--------------------------|-----------------|

**Motion to receive and file by Councillor Cronin, seconded by Councillor Cameron. So voted.**

## 6. APPOINTMENTS Second Reading -

### APPOINTMENTS

3. David B. Vine

47 Marlboro St.

Conservation Commission

May 31, 2016

**Motion to approve second reading by Councillor Cameron, seconded by Councillor Tontar. Roll call vote, 11 yes. So voted.**

## 7. ORDERS

1. Water and Sewer Commissions adjustment of sewer bill charges re second meters

**Motion to refer to Public Utilities by Councillor Herzog, seconded by Councillor Eigerman. Roll call vote, 8 yes, 3 no (Tontar, Vogel, O'Brien). So voted.**

2. Discontinuance Harnch's Way

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

## 8. ORDINANCES

1. Amend ORD 13-168 Parking Restricted Court Street

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

## 9. COMMITTEE ITEMS

### Budget & Finance

#### *In Committee:*

- |  |             |
|--|-------------|
| 1. Mayor letter regarding Order for Revolving Fund Expenses        | *03/17/2014 |
| 2. Order Amend Revolving Fund expenses                             | *03/17/2014 |
| 3. Order Home Rule Petition- supplementing education budget (COTW) | *05/12/2014 |
| 4. Amend ORD Ch. 2 Section 2-45 City Council Salary                | *05/12/2014 |
| 5. Amend ORD Ch. 2 Section 2-61A School Committee Salary           | *05/12/2014 |
| 6. Human Resources Dependent Audit                                 | *06/30/2014 |
| 7. Letter from Hope Church regarding Master Box fee                | *11/10/2014 |

### General Government

#### Joint Education

##### *In Committee:*

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

#### License & Permits

##### *In Committee:*

- |  |             |
|--|-------------|
| 1. Movable Sign Application Newburyport Brewing Company    | *02/10/2014 |
| 2. Amend ORD Sec. 9-114 Transient Vendors Restricted Areas | *04/28/2014 |
| 3. Letter regarding transient vendor licensing             | *06/30/2014 |

### Neighborhoods and City Services

#### Planning & Development

##### *In Committee:*

- |  |             |
|--|-------------|
| 1. Letter from Newburyport Preservation Trust                          | *03/31/2014 |
| 2. Amend ORD Zoning Change, R3 Zone to R2 Zone - Back Bay Neighborhood | *09/29/2014 |
| 3. Order Proposed vote of Discontinuance of Barker St.                 | *10/14/2014 |

#### Public Safety

##### *In Committee:*

- |  |             |
|--|-------------|
| 1. Multiple Sclerosis Soc. 2015 Walk, April 11, 2015 | *10/14/2014 |
|--|-------------|

**Motion to remove by Councillor Cronin, seconded by Councillor Herzog. So voted. Motion to approve by Councillor Cronin, seconded by Councillor Giunta. So voted.**

- |  |             |
|--|-------------|
| 2. Amend ORD 13- 179 Handicap Space Emma Andrews Library | *10/27/2014 |
|--|-------------|

**Motion to remove by Councillor Cronin, seconded by Councillor Tontar. So voted. Motion to approve first reading as amended and order published by Councillor Cronin seconded by Councillor Tontar. Roll call vote, 11 yes. So voted.**

3. Letter for Ladies Night Out Road Race Dec. 13, 2014 \*11/10/2014  
Motion to remove by Councillor Cronin, seconded by Councillor Giunta. So voted. Motion to approve by  
Councillor Cronin, seconded by Councillor Giunta. So voted.  
4. Amend ORD 13-174 State Street Resident Parking \*11/10/2014

**Public Utilities Committee**

*In Committee:*

1. Letter from Daniel Eyink, MD regarding water fluoridation \*05/27/2014

**Rules Committee**

**10. GOOD OF THE ORDER**

Councillor Cronin said he would like to start a conversation on the parking garage and that he can see three major hurdles, 1) reaching agreement with Newburyport Development, 2) that the project receives \$5 million from the state and \$2 million from the federal government, and 3) the \$7 million will meet the costs, and/or the City will supplement. Then it will need to be determined how many spaces are actually needed. He suggested this be a permanent agenda item for the Parking Advisory committee. Next meeting is December 4<sup>th</sup>.

Councillor Herzog said that the Cable Advisory Committee would be meeting again.

**11. ADJOURNMENT**

Councillor Cronin moved to adjourn, seconded by Councilor Tontar at 8:45 pm. So voted.

## TRANSFERS





**City of Newburyport**  
FY 2015  
**BUDGET TRANSFER REQUEST**

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 DEC -3 A 10:35

**Department:** Mayor's Office

**Submitted by:** Mayor Donna D. Holaday

**Date Submitted:** 12/2/2014

**Transfer From:**

Account Name	General Fund - Free Cash	YTD Bal:	\$ 2,040,809.00
Account Number:	01-35900	Trans In:	\$ -
Amount:	\$21,865.43	Trans Out:	\$ -
Why are Funds Available:	<i>The Massachusetts Department of Revenue certified Free Cash for FY2015 at \$2,373,046. These funds are available for any legal expenditure with the approval of the Mayor and a majority vote of the City Council.</i>		

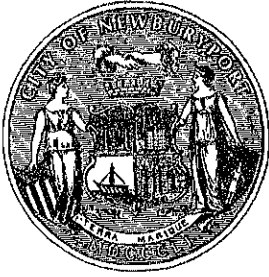
**Transfer To:**

Account Name	Essex North Shore Tech School	YTD Bal:	\$ -
Account Number:	01398002-53202	Trans In:	\$ -
Amount:	\$21,865.43	Trans Out:	\$ -
Why are Funds Required:	<i>To pay tuition and transportation costs for a Newburyport student attending the Essex North Shore Agricultural &amp; Technical School District (see explanatory memo).</i>		

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

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

Date: 12/2/14  
Date: 12/2/14



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

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

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: December 2, 2014  
Subject: Transfer to Essex North Shore Agricultural & Technical School District

---

The attached transfer request is to appropriate funds to pay FY 2015 tuition and transportation costs for a Newburyport student attending Essex North Shore Agricultural & Technical School District. As you may know, this is a new school district that resulted from the merger of the Essex County Agricultural High School and North Shore Regional Vocational Technical High School.

Prior to the merger, cities and towns that sent resident students to the former Essex Country Agricultural High School were assessed tuition and other costs directly on the Cherry Sheet, as the school was governed by Essex County. Given the reorganization, the state is no longer collecting funds via the Cherry Sheet and payments must be made directly to the new school district.

The City was recently made aware of one student who is enrolled for the 2014/2015 academic year and is responsible for \$18,294.00 in tuition and \$3,571.43 in transportation costs under Chapter 74 of M.G.L., totaling \$21,865.43. This was an unexpected cost, which is why I am requesting a transfer from Free Cash. A new line item will be created starting with the FY 2016 operating budget to account for anticipated costs going forward.

## COMMUNICATIONS :



**Communication #1  
December 8, 2014**

Newburyport City Hall  
60 Pleasant Street, PO Box 550  
Newburyport, MA 01950  
978.465.4462  
FAX 978.465.4452  
parks@cityofnewburyport.com

To: Members of the City Council  
From: Lisë Reid  
Cc: Parks Commissioners; R. Jones  
Date: November 19, 2014  
Re: Closure of Greenleaf Street

I am writing to ask your permission to close off Greenleaf Street from 8:30 a.m. until 3 p.m. on Saturday, 31 January 2015. The closure will facilitate passenger loading and unloading of free hayrides to be provided by Scott Colby at this year's Winter Carnival.

The Winter Carnival draws about 1,000 people each year to Newburyport's historic Bartlet Mall to enjoy skating and sledding, hayrides, free hot chocolate, kids' activities and, of course, the annual Human Dog Sled Race.

Thanks for your consideration.

Newburyport Retirement Board  
60 Pleasant Street, City Hall  
Newburyport, MA 01950

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

Board Members

Alexander Kravchuk, Chairman

Jeffrey Cutter, Elected

Joseph Spaulding, Elected

Ethan Manning, City Auditor

John Moak, Appointee

Laurie Burton, Executive Director

LaurieBurton@NewburyportRetirement.org

Telephone

(978) 465-6619

FAX

(978) 462-4042

November 20, 2014

To: President and Members of the City Council

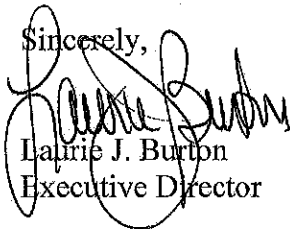
From: Newburyport Retirement Board

Re: Retirement Board Expense Budget C/Y 2015

Section 36 of Chapter 306 of the Acts of 1996 states that the Retirement Board shall file with the legislative body of the governmental unit an annual budget (and any supplemental budgets) covering the operating expenses of the Retirement Board.

We are filing this budget with you for informational purposes only. No action need be taken by you, as these expenses will be funded from the investment income of the Newburyport Retirement System.

Sincerely,

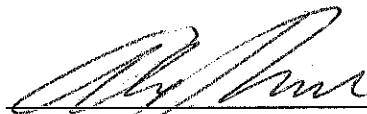


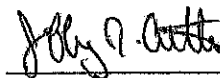
Laurie J. Burton  
Executive Director

Administrative Budget for the Newburyport Retirement Board

January 1, 2015 - December 31, 2015

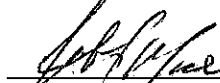
Administrative expenses	11,692
Board stipends	25,000
Conferences/travel	3,300
Contracts & software support	21,975
Education & training	1,700
Fiduciary insurance	3,800
Furniture & equipment	500
Legal	3,500
Office expenses	11,940
Salaries	<u>113,358</u>
Total	196,765

  
Alexander Kravchuk, Chairman

  
Jeffrey Cutter, Elected

  
Joseph Spaulding, Elected

  
Ethan Manning, Ex-officio

  
John Moak, Appointee

Estimate paid 2014  
Investment fees \$215,000  
Pensions/annuities \$5,778,524

THE COMMONWEALTH OF MASSACHUSETTS

City OF Newburyport

RECEIVED  
CLERK'S OFFICE  
NEWBURYPORT, MA

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE

OR ASSEMBLE SECOND HAND MOTOR VEHICLES

OR PARTS THEREOF

DEC 11 4 10:02

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a Second class license, to Buy, Sell, Exchange or Assemble second hand motor vehicles or parts thereof, in accordance with the provisions of Chapter 140 of the General Laws.

1. What is the name of the concern? RL CURRIE CORP

978 465 3360

Business address of concern. No. 6 NEW PASTURE ROAD St.,

NEWBURYPORT, MA 01950 City — Town.

2. Is the above concern an individual, co-partnership, an association or a corporation? \_\_\_\_\_

CORPORATION

3. If an individual, state full name and residential address.

N/A

4. If a co-partnership, state full names and residential addresses of the persons composing it.

N/A

5. If an association or a corporation, state full names and residential addresses of the principal officers.

President RANDY L CURRIE III GEORGETOWN RD W. NEWBURY MA 01985

Secretary " SAME

Treasurer " SAME

6. Are you engaged principally in the business of buying, selling or exchanging motor vehicles? YES

If so, is your principal business the sale of new motor vehicles? NO

Is your principal business the buying and selling of second hand motor vehicles? YES

Is your principal business that of a motor vehicle junk dealer? NO

7. Give a complete description of all the premises to be used for the purpose of carrying on the business.

4.5 ACRES +/- LOCATED AT 6 NEW PASTURE ROAD  
PAVED AND LIGHTED AREA WITH A 10,000 SQ FT  
BUILDING OF CONCRETE BLOCK HOUSING OFFICES AS  
WELL AS A SERVICE AND REPAIR AREA.

8. Are you a recognized agent of a motor vehicle manufacturer? NO  
(Yes or No)

If so, state name of manufacturer \_\_\_\_\_

9. Have you a signed contract as required by Section 58, Class 1? \_\_\_\_\_  
(Yes or No)

10. Have you ever applied for a license to deal in second hand motor vehicles or parts thereof? YES  
(Yes or No)

If so, in what city — town NEWBURYPORT

Did you receive a license? YES For what year? 2005 - PRESENT  
(Yes or No)

11. Has any license issued to you in Massachusetts or any other state to deal in motor vehicles or parts thereof  
ever been suspended or revoked? NO  
(Yes or No)

Sign your name in full \_\_\_\_\_

Emily A. Curran  
(Duly authorized to represent the concern herein mentioned)

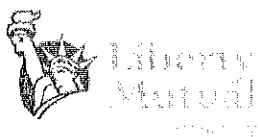
Residence 111 GEORGETOWN ROAD  
WEST NEWBURY MA 01985

### IMPORTANT

EVERY QUESTION MUST BE ANSWERED WITH  
FULL INFORMATION, AND FALSE STATEMENTS  
HEREIN MAY RESULT IN THE REJECTION OF  
YOUR APPLICATION OR THE SUBSEQUENT  
REVOCATION OF YOUR LICENSE IF ISSUED.

NOTE: If the applicant has not held a license in the year prior to this application, he must file a duplicate of the application with the registrar. (See Sec. 59)





Boston  
20 Riverside Road  
Mail Stop 03AN  
Weston, MA 02493-2281  
800-647-1113 Fax: 866-547-4882

## Report of Renewal

Registered: July 27, 2014  
Market Segment: LSF Commercial  
Producer Name:  
Agency Code: 012049

**Principal:**

RL Currie Corp  
6 New Pasture Road  
Newburyport, MA 01950

**Account:**

HUB International New England LLC (non-acct bus) Boston  
299 Ballardvale Street  
Wilmington, MA 01887-1066

**Agency:**

HUB International New England LLC  
299 Ballardvale Street  
Wilmington, MA 01887-1066

**Invoiced to:**

RL Currie Corp  
6 New Pasture Road  
Newburyport, MA 01950

**LMS Bond Number:** LSF006317

**Cross Reference:** 5010479

**Obligee:**

CITY OF NEWBURYPORT  
60 PLEASANT STREET  
NEWBURYPORT, MA 01950

**Additional Obligees:**

**Bond Period:** 10/25/2014 to 10/25/2015

**Transaction Eff. Date:** 10/25/2014

**Cancellation Provision:** 60 Days

**Premium Period:** 10/25/2014 to 10/25/2015

**Company:** The Ohio Casualty Insurance Company

**Renewal Type:** Continuous Until Canceled

**Bond Amount:** 25,000.00 USD

**Class Code:** 929

**Co-surety:**

**Bond Description:**

Used Dealers and Salesmen

**Transaction Comments:**

System auto renewal transaction

**Amt in USD**

Bond Premium

250.00

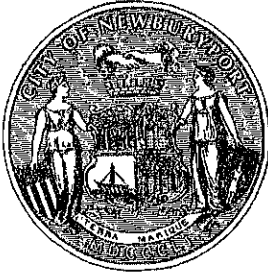
**Net Premium:** 250.00

**User:** S. User

**Printed:** 10/28/2014

**APPOINTMENTS  
FIRST READING**

Appointment #1  
December 8, 2014



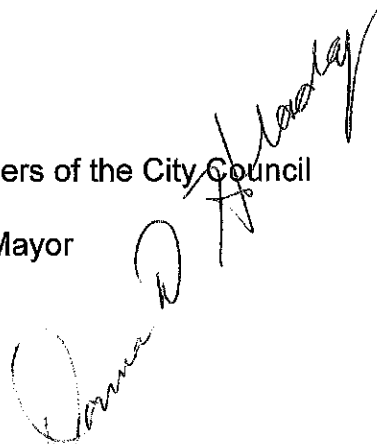
CITY OF NEWBURYPORT  
OFFICE OF THE MAYOR  
DONNA D. HOLADAY, MAYOR

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

2014 DEC -1 P 3:30

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: December 1, 2014  
Subject: Appointment



---

I hereby appoint, subject to your approval, the following  
named individual as a member of the Diversity and  
Tolerance Commission. This term will expire on  
December 1, 2017.

Shawn Flaherty  
3 Summit Place  
Newburyport, MA 01950

August 21, 2014

Greetings,

My name is Shawn Flaherty. I am extremely interested in the work of the Newburyport Commission on Diversity and Tolerance and would like to be considered as a member of the board.

I have lived in Newburyport for twenty-five years and have been employed by the school system since 1997. Over that span of time, I have been involved with three significant community endeavors which remain close to my heart: the Commission on Disabilities, the Learning Center and our relationship with our Sister City in Siberia. I am currently a member of the Nock School Council which is a leadership group made up of parents, teachers and administrators.

I first learned about the Commission on Diversity and Tolerance when I served on the Commission on Disabilities. Since that time, I have felt that your commission would be a strong match with my passions, interests and educational/employment history.

Again, please consider my candidacy as a member of the Newburyport Commission on Diversity and Tolerance.

Sincerely,

Shawn R. Flaherty

Shawn R. Flaherty  
3 Summit Place  
Newburyport, Massachusetts

**Education**

B.A. Salem State College 1979

M.Ed. Northeastern University 1981

**Employment**

The Harbor Schools, Inc. 1988-1991

Greater Lawrence Educational Collaborative Alternative School 1992-1997

Rupert A. Nock Middle School 1997-present

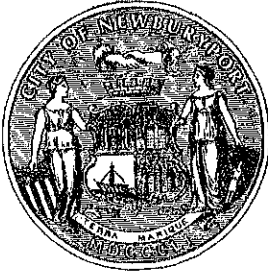
**Community Service**

Newburyport Commission on Disabilities 2002-2010

Newburyport Learning Enrichment Center 2003-2007

Newburyport Sister City Zelenogorsk, Russia 2003-2008

Appointment #2  
December 8, 2014



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  
BY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 DEC -2 P 2:43

To: President and Members of the  
City Council

From: Donna D. Holaday, Mayor

Date: December 3, 2014

Subject: Appointment

I hereby appoint, subject to your approval, the following named individual as a member of the Waterfront Trust. This term will expire on December 1, 2019.

George H. Ellison, Jr.  
2A Noble Street  
Newburyport, MA 01950

**GEORGE H ELLISON JR**  
**2A NOBLE STREET**  
**NEWBURYPORT, MA. 01950**

George H Ellison Jr. is a Financial Advisor with New England Financial Services based in Wakefield, Mass. He started with the firm in 1979 as a Financial Planner and held several positions until becoming Managing Partner in 1986. In 2002, George stepped down as Managing Partner, but remained with the firm to work more closely with his clients. His focus is in the areas of Wealth Management and Retirement Planning to 'Small closely Held Businesses and High Income Professionals.

George has been involved in many Civic and Charitable committees as a Volunteer and Fundraiser. Some of those activities include;

Campaign Chairman of North Shore Division of Mass Bay United Way

Founding Member North Andover Educational Foundation

Chairman of St Michael's Parish Capital Campaign

Board of Directors Merrimack Valley YMCA

Governor's Council - Governor's Academy

Chairman Anna Jaques Community Health Foundation

Chairman Board of Trustees Anna Jaques Hospital

Board of Directors Salem State University Enterprise Center

Board of Directors Lower Merrimack Valley Boys & Girls Club

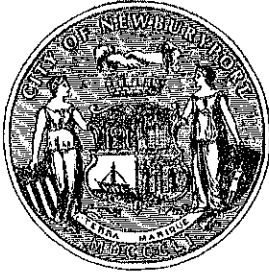
Board of Directors Firehouse Center for the Arts

Board of Directors Asentral IRB

Board of Directors North Shore Chamber of Commerce

George lives in Newburyport with his wife Donna. He has three children, Laura, Sarah and James. He has been very active in youth sports, coaching many teams in both North Andover and Newburyport. He is 1979 graduate of Lafayette College.





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

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 NOV 20 P 5:34

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

To: President and Members of the  
City Council

From: Donna D. Holaday, Mayor

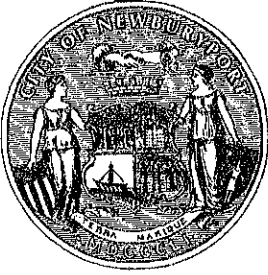
Date: November 20, 2014

Subject: Re-Appointment

---

I hereby reappoint, subject to your approval, the following named individual as Assistant Harbormaster and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2017.

Enrico Caruso  
34 Russett Hill Road  
Haverhill, MA 01830



# CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. BOX 550

NEWBURYPORT, MA 01950

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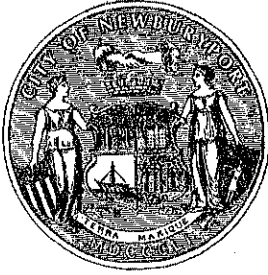
From: Donna D. Holaday, Mayor

Date : November 20, 2014

Subject: Re-Appointment

I hereby reappoint, subject to your approval, the following named individual as Assistant Harbormaster and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2017.

Francis F. Chaisson  
300 Merrimac Street  
Newburyport, MA 01950



# CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. BOX 1550 NOV 20 P 5:34

NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

To: President and Members of the  
City Council

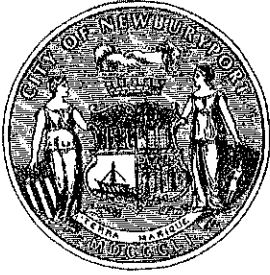
From: Donna D. Holaday, Mayor

Date: November 20, 2014

Subject: Re-Appointment

I hereby reappoint, subject to your approval, the following named individual as Assistant Harbormaster and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2017.

Michael Chaisson  
46 Lake Attitash Road  
Amesbury, MA 01913



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

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

978-465-4413 PHONE

978-465-4402 FAX

To: President and Members of the  
City Council

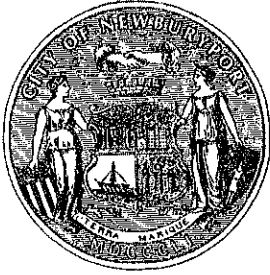
From: Donna D. Holaday, Mayor

Date: November 20, 2014

Subject: Re-Appointment

I hereby reappoint, subject to your approval, the following named individual as Assistant Harbormaster and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2017.

Joseph Grande  
52 Linwood Avenue  
Methuen, MA 01841



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

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

To: President and Members of the  
City Council

From: Donna D. Holaday, Mayor

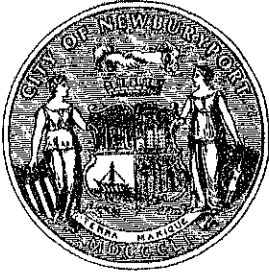
Date: November 20, 2014

Subject: Re-Appointment

---

I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbormaster and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2017.

Adam R. Hayden  
76 Longfellow Drive  
Newburyport, MA 01950



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

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

RECEIVED  
CLERK'S OFFICE  
NEWBURYPORT, MA  
NOV 20 P 5:34

To: President and Members of the  
City Council

From: Donna D. Holaday, Mayor

Date: November 20, 2014

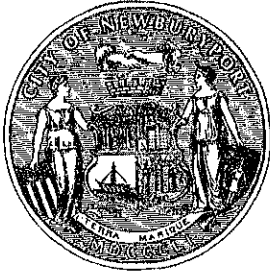
Subject: Re-Appointment

*Donna D. Holaday*

---

I hereby reappoint, subject to your approval, the following  
named individual as Assistant Harbormaster and Special  
Police Officer for the purposes of local, State and Federal  
laws and regulations with respect to waterways, marine  
activities and boating. This term will expire on December  
31, 2017.

James Maranto  
167 Harper Ridge Road  
E. Hampstead, NH 03826



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

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NEWBURYPORT, MA  
NOV 20 P 5:34

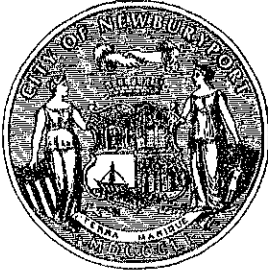
To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: November 20, 2014  
Re: Re-Appointment

*Donna D. Holaday*

---

I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbormaster and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2017.

Benedetto Orlando  
104 North Avenue  
Apt. 2  
Haverhill, MA 01830



# CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

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

978-465-4413 PHONE

978-465-4402 FAX

To: President and Members of the  
City Council

From: Donna D. Holaday, Mayor

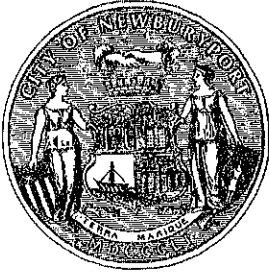
Date: November 20, 2014

Subject: Re-Appointment

I hereby reappoint, subject to your approval, the following named individual as Assistant Harbormaster and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2017.

Philip Stern  
271 Merrimac Street  
Apt. 2  
Newburyport, MA 01950





# CITY OF NEWBURYPORT

OFFICE OF THE MAYOR  
DONNA D. HOLADAY, MAYOR

60 PLEASANT STREET - P.O. Box 5520 P 5:34  
NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

To: President and Members of the  
City Council

From: Donna D. Holaday, Mayor

Date: November 20, 2014

Subject: Re-Appointment

-----

I hereby re-appoint, subject to your approval, the following named individual as Assistant Harbormaster and Special Police Officer for the purposes of local, State and Federal laws and regulations with respect to waterways, marine activities and boating. This term will expire on December 31, 2014.

David Willey  
13 Devonshire Crossing  
Lowell, MA 01851



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

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

To: President and Members of the  
City Council

From: Donna D. Holaday, Mayor

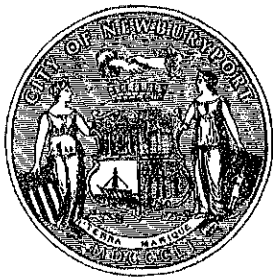
Date : November 20, 2014

Subject: Re-Appointment

---

I hereby re-appoint, subject to your approval, the following  
named individual as Assistant Harbormaster and Special  
Police Officer for the purposes of local, State and Federal  
laws and regulations with respect to waterways, marine  
activities and boating. This term will expire on December  
31, 2017.

Kristian Zoeller  
115 Timber Swamp Road  
Hampton, NH 03842



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

RECEIVED  
CLERK'S OFFICE  
NEWBURYPORT, MA

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

978-465-4413 PHONE

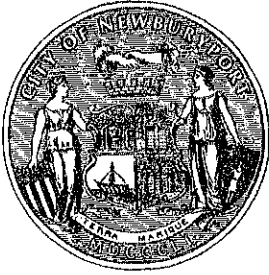
978-465-4402 FAX

2014 NOV 25 A 9:16

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: November 24, 2014  
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Diversity and Tolerance Commission. This term will expire on November 1, 2017.

Rabbi Avi Poupko  
2 Pleasant Street  
Newburyport, MA 01950



# CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

60 PLEASANT STREET - P.O. BOX 150  
NEWBURYPORT, MA 01950

978-465-4413 PHONE

978-465-4402 FAX

DEC - 1 P 3:34

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: December 1, 2014  
Subject: Re-Appointment

I hereby reappoint, subject to your approval, the following  
named individual as Assessor. This term will expire on  
January 1, 2018.

Daniel Raycroft  
1 Brown Avenue  
Amesbury, MA 01913

**END OF CONSENT AGENDA**

**BEGINNING OF REGULAR AGENDA**

**APPOINTMENTS  
SECOND READING**

**MAYOR'S APPOINTMENTS**  
**December 8, 2014**  
**SECOND READING**

**RE-APPOINTMENTS**

<b>15.</b> Noah A. Lusk	36 Plummer Ave.	Planning Board	May 31, 2019
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**APPOINTMENTS**

<b>16.</b> Greg M. Ogden	6 Merrill Street	Licensing Board	June 1, 2018
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**In City Council November 24, 2014**

Motion to approve the consent agenda by Councillor Cameron, seconded by Councillor Tontar. So voted.

**APPOINTMENTS**

<b>17.</b> Tracy Maynard	16 Doe Run Dr.	Human Resources Director	January 1, 2018
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**In City Council November 24, 2014**

Motion to receive and file by Councillor Cronin, seconded by Councillor Cameron. So voted.

## ORDERS



# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

November 24, 2014

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

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

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

**In City Council November 24, 2014**

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

## ORDINANCES

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

October 27, 2014

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

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

*ADD:*

### **Purchase Street**

One (1) space in front of the Emma Andrews Library at 77 Purchase Street

Councillor Allison Heartquist

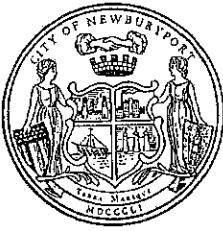
### **In City Council October 27, 2014**

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

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

Motion to remove by Councillor Cronin, seconded by Councillor Tontar. So voted. Motion to approve first reading as amended and order published by Councillor Cronin seconded by Councillor Tontar. Roll call vote, 11 yes. So voted.

# CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

December 8, 2014

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

Be it ordained by the Newburyport City Council:

<b>Chapter 13</b>	Traffic and Motor Vehicles
<b>Article 4</b>	Specific Street Schedules
<b>Division 6</b>	Stopping, Standing, and Parking
<b>Section 13-184</b>	Handicapped Parking Regulations

**EDIT** first sentence to change M.G.L.A. to M.G.L.

**ADD** in the first sentence of (1), "For" in front of the word "requiring."

**REPLACE** in the first sentence of (1)(a), "Any ordinance or by-law made hereunder shall require" with "This section requires."

**DELETE** (b) and all subsequent text, **REPLACE** as follows:

(b) Parking spaces designated as reserved under paragraph (a) shall be identified by the use of above-grade signs with white lettering against a blue background and shall bear the words "Handicapped Parking: Special Plate Required. Unauthorized Vehicles May be Removed at Owner's Expense". The spaces shall be as near as possible to a building entrance or walkway, shall be adjacent to curb ramps or other unobstructed methods permitting sidewalk access to a handicapped person and shall be at least 8 feet wide, not including the cross hatch access aisle as defined by the architectural access board established in section 13A of chapter 22. The cross hatch access aisle abutting a handicapped parking space shall be considered part of the handicapped parking space to which it abuts to provide individuals who use wheelchairs or other mobility aids with sufficient space to enter and exit their vehicles. No person shall park in the cross hatched access aisle.

(2) For prohibiting or regulating the standing or leaving of vehicles unattended within parking spaces designated as reserved for vehicles owned and operated by disabled veterans or handicapped persons and within certain other areas.

(a) This section prohibits leaving unauthorized vehicles within parking spaces, including the cross hatch areas, designated for use by disabled veterans or handicapped persons as authorized by clause one (1) or in such a manner as to obstruct a curb ramp designed for use by a handicapped person as a means of egress to a street or public way.

(b) The penalty for a violation made under this section is \$100 for the first offense and \$200 for each subsequent offense; and the vehicle may be removed in accordance with section 22D. This penalty is not a surchargeable offense under section 113B of chapter 175.

Councillor Ari B. Herzog

## COMMITTEE ITEMS

# PERAC

Communication #3  
November 24, 2014

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

JOSEPH E. CONNARTON, Executive Director

Auditor SUZANNE M. BUMP | PHILIP Y. BROWN, ESQ. | JOHN B. LANGAN | JAMES M. MACHADO | DONALD R. MARQUIS | ROBERT B. MCCARTHY

## MEMORANDUM

TO: Newburyport Retirement Board  
FROM: *Joseph E. Connarton*  
Joseph E. Connarton, Executive Director  
RE: Appropriation for Fiscal Year 2016  
DATE: November 13, 2014

RECEIVED  
CLERK'S OFFICE  
NEWBURYPORT, MA  
2014 NOV 18 A 10:29

Required Fiscal Year 2016 Appropriation: **\$4,261,883**

This Commission is hereby furnishing you with the amount to be appropriated for your retirement system for Fiscal Year 2016 which commences July 1, 2015.

Attached please find summary information based on the present funding schedule for your system and the portion of the Fiscal Year 2016 appropriation to be paid by each of the governmental units within your system.

The current schedule is/was due to be updated by Fiscal Year 2017.

If you have any questions, please contact PERAC's Actuary, Jim Lamenzo, at (617) 666-4446 Extension 921.

JEC/jrl  
Attachments

cc: Office of the Mayor  
City Council  
c/o City Clerk

p:\actuarial\approp\approp16\fy16 for web\newburyportapprop16.docx



# Newburyport Retirement Board

## Projected Appropriations

Fiscal Year 2016 - July 1, 2015 to June 30, 2016

Aggregate amount of appropriation: **\$4,261,883**

Fiscal Year	Estimated Cost of Benefits	Funding Schedule (Excluding ERI)	ERI	Total Appropriation	Pension Fund Allocation	Pension Reserve Fund Allocation	Transfer From PRF to PF
FY 2016	\$5,060,444	\$4,012,430	\$249,453	\$4,261,883	\$4,261,883	\$0	\$798,561
FY 2017	\$5,315,662	\$4,182,905	\$249,453	\$4,432,358	\$4,432,358	\$0	\$883,304
FY 2018	\$5,583,503	\$4,360,199	\$249,453	\$4,609,652	\$4,609,652	\$0	\$973,851
FY 2019	\$5,864,591	\$4,544,585	\$249,453	\$4,794,038	\$4,794,038	\$0	\$1,070,553
FY 2020	\$6,159,581	\$4,909,945	\$75,855	\$4,985,800	\$4,985,800	\$0	\$1,173,781

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.

For illustration, we have shown the amount to be transferred from the Pension Reserve Fund to the Pension Fund to meet the estimated Cost of Benefits for each year. If there are sufficient assets in the Pension Fund to meet the Cost of Benefits, this transfer is optional.

**Newburyport Retirement Board**  
Appropriation by Governmental Unit

Fiscal Year 2016 - July 1, 2015 to June 30, 2016

Aggregate amount of appropriation: **\$4,261,883**

UNIT	Percent of Aggregate Amount	Funding Schedule (excluding ERI)	ERI	Total Appropriation
City of Newburyport	97.45%	\$3,910,113	\$242,128	\$4,152,241
Newburyport Housing Authority	2.55%	\$102,317	\$7,325	\$109,642
<b>UNIT TOTAL</b>	<b>100%</b>	<b>\$4,012,430</b>	<b>\$249,453</b>	<b>\$4,261,883</b>

The Total Appropriation column shown above is in accordance with your current funding schedule and the scheduled payment date(s) in that schedule. Whenever payments are made after the scheduled date(s), the total appropriation should be revised to reflect interest at the rate assumed in the most recent actuarial valuation. Payments should be made before the end of the fiscal year.