

# CITY COUNCIL MEETING AGENDA - VERSION 1

January 27, 2014

7:30PM

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**

January 6, 2013 - Inauguration

(Approve)

January 13, 2013

(Approve)

### **8. TRANSFERS**

1. NONE

0

### **9. COMMUNICATIONS**

1. Second Hand Motor Vehicle License Renewal – Plum Autoworks, Inc.
2. One Fund 2.6 mi Charity Road Race – Winner's Circle, April 13, 2014
3. 3<sup>rd</sup> Annual Pan Mass Challenge Kids Ride, June 22, 2014
4. Mid-Year Budget Report

(Approve)

(Public Safety)

(Public Safety)

(Budget & Finance)

### **10. APPOINTMENTS-First Reading**

1. Leslie Eckholdt 36 Warren Street

#### **Appointment**

Fruit St. Local Hist. Dist. Com.

March 1, 2017

#### **Re-Appointment**

2. David Zinck 6 Laurel Road
3. Anthony J. Furnari 10 Olsen Rd, Peabody
4. James McCarthy 17 Russia Street

Electrical Inspector

January 31, 2015

Director, Dept. Public Services

February 1, 2017

Planning Board

January 31, 2019

## **END OF CONSENT AGENDA**

## **REGULAR AGENDA**

### **11. PRESENTATION ON WATER AND SEWER TREATMENT PLANTS**

### **12. APPOINTMENTS-Second Reading**

#### **Appointment**

5. Josh Kasteler 15 Cutting Drive
6. Barry J. McBride 5 Pine St, Salisbury
7. Daniel J. Koen 16 Boyd Drive
8. Kristen M. Farrell 28 Spofford Street
9. Mark E. Bilodeau 63 High Street

Moseley Woods Commission

January 31, 2017

Ass't Wiring Inspector

January 31, 2015

Newburyport Housing Authority

January 1, 2019

Disabilities Commission

January 31, 2017

Historical Commission

May 1, 2017

#### **Re-Appointment**

10. Andrew R. Port 12 Central Place, Saugus

Director Planning & Dev.

January 31, 2017

### 13. CITY COUNCIL APPOINTMENT-Second Reading

#### Re-Appointment

11. Richard B. Jones 283 High Street

City Clerk

January 31, 2017

### 14 ORDERS

1. Tree Commission Revolving Fund
2. Gift from Ken Jackman re: bollards
3. Gift from Rotary Club for Roundabout

### 15. ORDINANCES

1. Franklin Street - Parking
2. Fair Street, Resident Parking
3. Interim Demolition Control Overlay District - Zoning
4. Off-Street Parking Regulations -- Zoning
5. Interim Downtown Overlay District -- (IDOD)

### 16. COMMITTEE ITEMS

#### Budget & Finance

##### *In Committee:*

1. Mayor GenFd Free Cash \$25,000 to OPEB Trust Fund \$25,000 \*01/13/2014
2. Mayor GenFd Free Cash \$9,775 to Mayor Grant Writer \$9,775 \*01/13/2014
3. Creation of Trust Fund for Other Post-Employment Benefit Liabilities (OPEB) \*01/13/2014

#### General Government

##### *In Committee:*

#### Joint Education

##### *In Committee:*

#### License & Permits :

##### *In Committee:*

1. Second Hand Motor Vehicle License Renewal -- LCA Motors \*01/13/2014
2. Second Hand Motor Vehicle License Renewal -- Chanard Limousine Sales, Inc \*01/13/2014

#### Neighborhoods & City Services

##### *In Committee:*

#### Planning & Development

##### *In Committee:*

#### Public Safety

##### *In Committee:*

1. Annual Amer. Diabetes Assoc. Tour de Cure May 18, 2014 \*01/13/2014
2. Amend Ord. 13-180 Parking Resident Fair St \*01/13/2014
3. Annual Rotary Club Annual Frigid Fiver 5 Miler Road Race Feb. 2, 2014 \*01/13/2014

#### Public Utilities Committee

##### *In Committee:*

#### Rules Committee:

##### *In Committee:*

1. City Council Rule 8a \*01/13/2014

### 17. GOOD OF THE ORDER

**18. PLUM ISLAND WATER AND SEWER UPDATE**

**19. EXECUTIVE SESSION – PLUM ISLAND WATER AND SEWER UPDATE**

**20. ADJOURNMENT**

## **CONSENT AGENDA**



# **CITY OF NEWBURYPORT INAUGURATION CEREMONY**

## **JANUARY 6, 2014**

Newburyport Police Honor Guard led the City Council and School Committee into the Auditorium.

**Opening Statement** given by Richard B. Jones, City Clerk.

Acknowledgement of current and former elected officials, condolences to the family of George H. Lawler, former mayor. Highlighted that the 68<sup>th</sup> Mayor of Newburyport is the first Mayor in the history of Newburyport to be sworn in for a four year term.

**Invocation** by Reverend Christopher Ney, Central Congregational Church.

**Pledge of Allegiance** led by Brownie Troop 75336.

**National anthem** sung by Councillor Meghan C. Kinsey.

Newburyport Police Honor Guard posted the colors.

### **1. City Council Meeting Called to Order**

#### **a) Roll call:**

Councillor-Elect Edward C. Cameron, Jr.	Present
Councillor-Elect Barry N. Connell,	Present
Councillor-Elect Robert J. Cronin,	Present
Councillor-Elect Jared J. Eigerman,	Present
Councillor-Elect Larry G. Giunta,	Present
Councillor-Elect Allison Heartquist,	Present
Councillor-Elect Ari B. Herzog,	Present
Councillor-Elect Meghan C. Kinsey,	Present
Councillor-Elect Thomas F. O'Brien,	Present
Councillor-Elect Charles F. Tontar	Present
Councillor-Elect Bruce L. Vogel	Present

#### **b) Oath of Office City Councillors-Elect**

#### **c) Councillor O'Brien was elected unanimously as Council President for 2014**

#### **d) President's Address delivered by Councillor O'Brien**

#### **e) The Newburyport High School Band played excerpts from Festive Overture**

#### **f) The President appointed a Committee of (2) Councillors (Councillor Tontar and Councillor Heartquist) to escort the Mayor to the auditorium**

### **2) Mayor's oath and address**

#### **a) Jared Holaday came to the stage to hold the Book of Common Prayer given to the Third Parish Church located in Market Square in 1750 located for us at the Newburyport Archival Center while his mother, Donna Demski Holaday, took the oath of office.**

#### **b) Molin School Children's Chorus sings Cape Cod Chantey traditional music.**

- c) A Stroll Through History. The following seven students read reflections of the storied history of our City: Steven Simkins, Molly Stanton, Lilly Donovan, Julia Kipp, Kelly Conway, Emily Bresnahan, and Colin Budzyna
- d) The Mayor recognized the former Mayors in the audience (Byron Matthews, Lisa Mead, Christopher Sullivan, Mary Carrier, Al Lavender, Mary Anne Clancy, John Moak) with the following Immaculate Conception Students: Eli Anderson-Song, Michael Finnegan, Henry Bowden, Jeremiah Mackin, Keeva Coppinger, Alexandra Hurlbert, Eleanor Fremont-Smith, and Alice Little
- e) Inaugural Address given by Mayor Donna D. Holaday

Inauguration Speech 2014  
Mayor Donna D. Holaday  
January 6<sup>th</sup>, 2014

Sheriff Cousins, Senator Ives, Representative Costello, Honorable Mayors, City Councilors, School Committee members, residents, my family and friends-

It is an honor and a privilege to stand before you humbled by your renewed confidence in me to serve as your mayor; to serve the first four-year mayoral term in our City's history. This morning, I have sworn before you the same oath that 67 Mayors before me have taken, pledging my commitment to the office, its duties, and to you the citizens of our City.

Newburyport is a magnificent City and today we begin the celebration of our 250<sup>th</sup> anniversary. Our City has played a significant role in the history of the Commonwealth of Massachusetts and the United States. You heard the reflections of *A Stroll through Time* by our Newburyport High School students of the rich, diverse and important stories of the peoples and events we must continue to tell. As we gather together over this coming year to celebrate our heritage, we have the opportunity to reflect on and learn from the shared beliefs, principles and values that shaped our City for the past 250 years. The common themes that consistently emerge are of an inclusive and resilient community; of the inspiration of our forefathers that brought prosperity and unity to make a better life.

In 1725, the Waterside people came together as a community and requested that the First Parish Church grant them their own meetinghouse; a request that was finally granted in 1764, and thus began the town of Newbury Port. In 1796, Doctor Timothy Dwight described the city: "Newburyport... lies on the southern shore of the Merrimac. The town is built on a hill of unrivalled beauty. The slope is easy and elegant; the soil rich, the streets, sweet and clean, and the lush vegetation, wherever it is visible, exquisite... and at a small distance from the shore, Plum Island, a wild and fantastical sand beach."

From the 1700s to today, we can trace the integrity, industry and courage that persevered despite the rise and fall of industries and trades and even the call to arms. The City was frequently described as the place of enlightened social values and progressive dialogue within the United States, with our residents being noted as particularly generous and hospitable towards strangers.

This generosity is one of the core values of our history, the foundation and fabric of our community - taking care of one another. This principle was initiated with the care of the widows and children left behind by the sailors lost at sea. Many of these organizations, created over 200 years ago, are still in place today- Howard Benevolent Society, Society for Relief of Aged Women, General Charitable Society and Relief of Aged Men.

Today, we can be proud of the extensive network of non-profit organizations that provide a range of support and services to our community - Salvation Army, YWCA, Opportunity Works, Jeanne Geiger Crisis Center, Roof Over Head, Turning Point, Learning Enrichment Center, Pennies for Poverty, the Council on Aging and so many more. These vital agencies must be supported to ensure we maintain and strive to support all generations and all needs of individuals and families living in our community.

Volunteerism is a natural extension of this generosity and is another core value rooted in our history. In 1811, the Great Fire tore through Newburyport, destroying over 250 buildings and leaving 90 families homeless. The stories of the heroic deeds of citizens standing shoulder to shoulder, manning buckets, and supporting the emergency effort is inspiring. Surrounding communities came to aid in fighting the blaze and within days, donations were pouring in from across the northeast to assist those who had lost their homes and businesses.

Newburyport has honored this exchange of support at times of crisis and Mutual Aid continues today as a major Public Safety program.

Volunteerism is also a critical component of what makes our City work. Hundreds of residents serve on Boards, Commissions, Committees, and ad hoc groups to address a wide range of City needs. I encourage every resident to give whatever they can of their time and talent - every hour matters. Whether it is for our schools, parks, special events, or fundraisers, we need your help to continue to build our community. The words spoken in 1925 by The Honorable Mayor Michael Cashman continue to ring true to what our collective efforts can mean for our City today: "We want to keep Newburyport in the forefront; as a city with a soul; a city that has the vision of greater things to come; a city that is willing to work for ..... the health and happiness of all its people."

Industry clearly is another key value that was critical to Newburyport's development in order to adapt to and to survive in the changing economics of the region. After more than a century as a thriving shipbuilding and trade community, the City turned to manufacturing in the late 1800s. In 1881, then Mayor Robert Couch stated: "If we put into this industry the same energy our fathers put into commerce, Newburyport will soon be prepared to take its place once more as a thriving and growing community." Manufacturing, in fact, did succeed, with shoemaking and textiles surpassing shipbuilding in those years of transition.

Transportation advancements also had an impact on our local economy as the region shifted its focus from the sea and rail to the interstate. On this front as well, Newburyport again responded swiftly and decisively, and the Lord Timothy Dexter Industrial Park was created. Bill Plante wrote of the dedication ceremony "this formal dedication is recognition of more than the naming of a plot of ground. It is recognition of sacrifice and vision of hundreds of citizens... It is recognition of their commitment to a new industrial future."

Today, we see the status of the Park with a broader context - the Newburyport Business & Industry Park now supports companies with leadership in the semi-conductor industry, woodworking, pharmaceuticals, electronics, microbrewing and green technologies that continues to evolve to the adapting needs of the Merrimac Valley workforce and beyond. Newburyport's transportation initiatives are an integral part of our Green Communities Designation and our long-term sustainability plan. Present-day transportation planning and policies must recognize that livability and economic development are intertwined - livability and walkability draws new residents and businesses here and both are important contributors to our City and quality of life. The Rail Trail and its next phase of expansion, the Shared Used Path to be built with the Whittier Bridge Project to connect Newburyport, Salisbury and Amesbury Rail Trails, and our first Transient Oriented Design, an affordable residential project at the train station, are current initiatives illustrating our City's commitment to this new direction.

Civic pride is another strong theme that we see throughout our City's History. It motivated George Cashman, the first Yankee Homecoming Chairman, to action in creating a festival that continues today. In 1958, Yankee Homecoming was born and this ten-day celebration had a significant impact on the attitude towards our city, Mr. Cashman recalled "attitudes began to change, especially when so many people from outside of Newburyport . . . spoke of how beautiful the city was and how much it had to offer. Citizens began to take pride in the history of Newburyport, and during future Homecomings, other historic events were recreated amplifying this pride."

This dedication and perseverance drove the restoration of our downtown and our City's economic recovery. Urban Renewal was no longer equated with demolition but with preservation. Mayors George Lawler and Byron Matthews and committed residents were successful in the securing the future of our City – ensuring the preservation and rehabilitation of our downtown with its rich architecture and maritime heritage. With the aid of federal funding, the Newburyport Redevelopment Authority was born and our downtown was restored and revitalized with new investments in restaurants, retail shops, small businesses and the arts.

Newburyport has long supported our arts. The historic building that houses the Firehouse Center for the Arts was built as a market house and lyceum by the citizens of Newburyport in 1823. It hosted such distinguished speakers as Ralph Waldo Emerson, Daniel Webster and Oliver Wendell Holmes. It was fitting that, in 1991, through a cooperative public and private effort, the Firehouse Center was restored as a public center for the arts and that it will continue to serve the community for generations to come.

Today, our City continues to honor its artists, authors, actors, play writers, and musicians through Arts Festivals, the Literary Festival, concerts, film and theatrical events. We recently have been designated by the state as a Cultural District, the 19<sup>th</sup> in the Commonwealth, which will unite all of our artistic, cultural, historical, and tourism efforts under one umbrella to showcase all that our City has to offer. On behalf of our City, I want to extend my thanks to Senator Ives and Representative Costello for their support of our application. Now that we have been formally recognized as a cultural tourism destination, this year-long celebration of our 250<sup>th</sup> anniversary will be a great opportunity to reflect on what core values continue to inspire us, how far we have advanced as a community over these two and a half centuries, and to share all that we have to offer today.

Lastly, we come to the topic of education. The support of the education of our children has a long history within our City. In 1867, The Honorable Mayor George Jackman stated, ".....the wealth of the city... [is] not in its money or its acres, but in its children, .....I ask you especially to consider and provide for the public instruction of our youth." And The Honorable Mayor Robert Burke stated in 1910, "Our very highest duty is to see that our schools are of the best."

Education and workforce collaboration have had a dramatic impact on the future direction of public education. We have an obligation to prepare our children for this future and build their interest in careers that are known to be in demand in today's society, particularly those in STEM (science, technology, engineering and math) as well as the field of health care, finance and technology.

We must also recognize the effect of budget cuts on the importance of other programs: foreign languages, music, theater and art and continue our efforts to restore these offerings. Our schools are moving in the right direction under the leadership of our new superintendent, Susan Viccaro - transitioning to the Common Core, implementing strong Mentoring and Professional Development programs and a new teacher evaluation system, completing a comprehensive technology plan, strengthening Special Education services and developing

new partnerships with local colleges and universities. These are all important steps to help ensure that the next generation of Newburyporters are best equipped to enter the workforce with the skills that they need to succeed.

Within the next several months, we will finally have 21<sup>st</sup> century facilities to educate our children, with a new Bresnahan Elementary School and the renovations of the Nock/Molin School. But new facilities aren't enough - we must renew our efforts and support statewide initiatives to address the need for changes in State funding for public education including full-day kindergarten, charter schools and special education. I ask each resident to work with us to attend school committee and neighborhood meetings to learn about our school and educational needs and to support the efforts of the Newburyport Education Foundation. The education of our children must be of the highest priority.

We have worked through difficult economic times that have impacted our nation, state and community. I know I speak for many in extending our thanks to our federal partnerships with Congressman Tierney, Senators Markey and Warren and our state partnerships with Senator Ives and Representative Costello; we are appreciative of all of your efforts to support and advance many of the initiatives addressed today.

As we move forward, we will continue to build City services that are innovative and responsive while working to improve our efficiency and effectiveness to meet the needs of every resident of the City. Again, I ask for your support, to join us to share your gifts to continue to move our City forward.

Leaders are assessed by their courage, judgment, integrity and dedication. These qualities, coupled with the core values of generosity, volunteerism, industry, perseverance and civic pride that have shaped our City over the past 250 years, will be the principles that I will continue to aspire to as your Mayor.

In closing, let us take a moment to pause and consider all of what Newburyport means; to celebrate our history and commit to working together to shape our future. We must recognize that there is so much more that unites us than divides us.

We must always honor and learn from our past and use the lessons we have learned to achieve our present goals as we work together to shape the future for those who will come after us.

Happy 250<sup>th</sup> Anniversary! Thank you

f) City Council Meeting Adjourned

i) the City Council will meet in regular session at 7:30PM on Monday, January 13, 2014

### 3) Organization of the 2014 School Committee

a) Oath of Office

Steven P. Cole,  
Michael T. Luekens,  
Cheryl G. Sweeney

b) The City Clerk called the School Committee to order and Roll Call:

Steven Cole	Present
Nicholas deKanter	Present
Donna Holaday	Present
Michael Luekens	Present
Audrey McCarthy	Present
Bruce Menin	Present
Cheryl Sweeney	Present

- c) The school committee elected the Vice Chair Cheryl Sweeney unanimously
- d) Remarks by the Vice Chair, Cheryl Sweeney
- e) School Committee meeting adjourned

Musical selection "America" performed by Joe, Jared and PJ Holaday.

**Benediction** and closing prayer by Reverend Timothy Harrison from the Immaculate Conception Parish.

Attest: \_\_\_\_\_  
Richard B. Jones, City Clerk

# CITY COUNCIL MEETING MINUTES - VERSION 1

January 13, 2014

7:15PM

**Pole Hearing:**

## **12 OAK STREET – Conduits with Secondary Conductor**

At 7:15 pm President O'Brien opened the public hearing. The City Clerk called the roll, 11 present. The City Clerk read the notice of public hearing. David Aguiar of National Grid spoke in favor. There were no public comments. Motion to approve by Councillor Cronin, seconded by Councillor Cameron. Roll call vote, 11 yes. The hearing was closed at 7:26pm.

7:30PM

Council President O'Brien called the meeting to order at 7:30 pm. A moment of silence was held for Soteros Fotos and Roger Gagnon. 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 and O'Brien. 11 present.

### **1. CALL TO ORDER**

- 1) Committee Assignments

**Councillor O'Brien assigned the Councillors to committees for 2014.**

- 2) City Council Meeting Schedule 2014

**The City Council meeting schedule 2014 was approved unanimously.**

- 3) City Council Rules 2014

**Motion to approve by Councillor Cronin, seconded by Councillor Cameron. So voted.**

### **2. LATE FILES – Communications #10, and Ordinance #1**

**Motion to waive the rules and allow late files by Councillor Cameron, seconded by Councillor Cronin. So voted.**

### **3. PUBLIC COMMENT**

- |                      |                              |                   |
|----------------------|------------------------------|-------------------|
| 1) Dan Koen          | 16 Boyd Drive                | Appointment       |
| 2) Elizabeth Heath   | 25 Oak Street                | Communication #8  |
| 3) Nicholas Metcalf  | 110 Hay St Newbury/Essex St. | Communication #8  |
| 4) Lon Hachmeister   | 281 High Rd, Newbury         | Communication #8  |
| 5) Peter Fizzsimmons | 7 Arlington Street           | Communication #8  |
| 6) Marian Newman     | 8 Frances Drive              | Grant Information |
| 7) Sandy Small       | 25 Oak Street                | Communication #8  |
| 8) Rob Germinara     | 2 Ashland Street             | Communication #8  |

### **4. MAYOR'S COMMENT**

## **CONSENT AGENDA**

### **5. APPROVAL OF MINUTES**

December 9, 2013

(Approved)

### **6. TRANSFERS**

1. Mayor GenFd Free Cash \$25,000 to OPEB Trust Fund \$25,000 (B&F)
2. Mayor GenFd Free Cash \$9,775 to Mayor Grant Writer \$9,775 (B&F)

### **7. COMMUNICATIONS**

1. Second Hand Motor Vehicle License Renewal – Newburyport Auto Brokers (Approved)
2. Second Hand Motor Vehicle License Renewal – GNFD, Inc. (Approved)
3. Second Hand Motor Vehicle License Renewal – RL Currie Corp. (Approved)
4. Second Hand Motor Vehicle License Renewal – LCA Motors (License & Permits)
5. Second Hand Motor Vehicle License Renewal – Chanard Limousine Sales, Inc. (License & Permits)
6. 2<sup>nd</sup> Annual Nbpt Brownie Tr #75336 Girl Scout Sales State St. Feb. 8, 2014 (Public Safety)

Changed to "Approve".

7. Annual Amer. Diabetes Assoc. Tour de Cure May 18, 2014
8. Mayor's letter re discussion of central waterfront Feb. 5, 2014

(Public Safety)  
(R&F)

Removed by Councillor Herzog.

#### 8. APPOINTMENTS-First Reading

1. Josh Kasteler 15 Cutting Drive
2. Barry J. McBride 5 Pine St, Salisbury
3. Daniel J. Koen 16 Boyd Drive
4. Kristen M. Farrell 28 Spofford Street
5. Mark E. Bilodeau 63 High Street

#### Appointment

- |                               |                  |
|-------------------------------|------------------|
| Moseley Woods Commission      | January 31, 2017 |
| Ass't Wiring Inspector        | January 31, 2015 |
| Newburyport Housing Authority | January 1, 2019  |
| Disabilities Commission       | January 31, 2017 |
| Historical Commission         | May 1, 2017      |

6. Andrew R. Port 12 Central Place

#### Re-Appointment

- |                          |                  |
|--------------------------|------------------|
| Director Planning & Dev. | January 31, 2017 |
|--------------------------|------------------|

#### 9. CITY COUNCIL APPOINTMENT

7. Richard B. Jones 283 High Street

#### Re-Appointment

- |            |                  |
|------------|------------------|
| City Clerk | January 31, 2017 |
|------------|------------------|

### END OF CONSENT AGENDA

Motion to approve the Consent Agenda as amended by Councillor Cronin, seconded by Councillor Connell. So voted.

### REGULAR AGENDA

#### 10. Communications

8. Mayor's letter re discussion of central waterfront Feb. 5, 2014

Refer to Planning & Development and Committee of the Whole by Councillor Cameron, seconded by Councillor Connell. So voted.

9. Annual Rotary Club Annual Frigid Fiver 5 Miler Road Race Feb. 2, 2014

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

10. LATE FILE – Mayoral communication

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

#### 11. ORDERS

1. Mayoral Veto Order Cushing Park

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

2. City Council Rule 8a

Motion to refer to Rules Committee by Councillor Cronin, seconded by Councillor Herzog. So voted.

3. Creation of Trust Fund for Other Post-Employment Benefit Liabilities (OPEB)

Motion to approve by Councillor Cameron, seconded by Councillor Connell. Friendly amendment by Councillor Herzog to refer to Budget & Finance. So voted.

4. DPS Snow & Ice Labor and Expense Accounts State of Emergency FY2014

Motion to approve by Councillor Connell, seconded by Councillor Heartquist. So voted.

5. Acceptance of \$2000 gift to Newburyport Youth Services

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

#### 12. ORDINANCES

1. LATE FILE - Amend ORD Ch. 13 Sec. 168 Parking Restricted Fair Street

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

#### 13. GOOD OF THE ORDER

Councillor Herzog stated that he will host a meeting on Comcast internet competition.

Councillor Kinsey congratulated the School Department on planning for the inauguration and the inauguration as a whole.



#### **14. ADJOURNMENT**

**Motion to adjourn at 8:20pm by Councillor Tontar, seconded by Councillor Cronin. So voted.**

# TRANSFERS

## COMMUNICATIONS

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 JAN 13 P 3:17

THE COMMONWEALTH OF MASSACHUSETTS

City OF Newburyport

Communication #1  
January 27, 2014

APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE  
OR ASSEMBLE SECOND HAND MOTOR VEHICLES  
OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a II 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? Plum Autoworks Inc

Business address of concern. No. 71 Storey Ave St.,  
Newburyport MA 01950 City — Town.

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

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

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

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

President Nancy J London

Secretary // //

Treasurer // //

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.

Lot Located at 71 Storey Ave  
Approx Frontage at 100 Feet by 100 Feet Deep  
Building Consists of Two offices Approx 20 x 60 ft

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? No

(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 ma

Did you receive a license? yes

(Yes or No)

For what year? 2008 - 2013

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 \_\_\_\_\_

Nancy J. London

(Duly authorized to represent the concern herein mentioned)

Residence 11 Warrenton Rd Haverhill ma

01832

### 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)

## APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application after investigation \_\_\_\_\_

(Approved or Disapproved)

License No. \_\_\_\_\_ granted \_\_\_\_\_ 20 \_\_\_\_\_ Fee \$ \_\_\_\_\_

Signed \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### CHAPTER 140 OF THE GENERAL LAWS, TER. ED., WITH AMENDMENTS THERETO (EXTRACT)

SECTION 57. No person, except one whose principal business is the manufacture and sale of new motor vehicles but who incidentally acquires and sells second hand vehicles, or a person whose principal business is financing the purchase of or insuring motor vehicles but who incidentally acquires and sells second hand vehicles, shall engage in the business of buying, selling, exchanging or assembling second hand motor vehicles or parts thereof without securing a license as provided in section fifty-nine. This section shall apply to any person engaged in the business of conducting auctions for the sale of motor vehicles.

SECTION 58. Licenses granted under the following section shall be classified as follows:

Class 1. Any person who is a recognized agent of a motor vehicle manufacturer or a seller of motor vehicles made by such manufacturer whose authority to sell the same is created by a written contract with such manufacturer or with some person authorized in writing by such manufacturer to enter into such contract, and whose principal business is the sale of new motor vehicles, the purchase and sale of second hand motor vehicles being incidental or secondary thereto, may be granted an agent's or a seller's license; provided, that with respect to second hand motor vehicles purchased for the purpose of sale or exchange and not taken in trade for new motor vehicles, such dealer shall be subject to all provisions of this chapter and of rules and regulations made in accordance therewith applicable to holders of licenses of class 2.

Class 2. Any person whose principal business is the buying or selling of second hand motor vehicles may be granted a used car dealer's license.

Class 3. Any person whose principal business is the buying of second hand motor vehicles for the purpose of remodeling, taking apart or rebuilding the same, or the buying or selling of parts of second hand motor vehicles or tires, or the assembling of second hand motor vehicle parts, may be granted a motor vehicle junk license.

SECTION 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which will expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no case shall exceed \$100. dollars. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for addition thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of property abutting on the premises where such license or permit is proposed to be exercised. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The decision of the justice shall be final.

APPLICATION FOR A LICENSE TO BUY, SELL,  
EXCHANGE OR ASSEMBLE SECOND HAND  
MOTOR VEHICLES OR PARTS THEREOF.

APPLICANT WILL NOT FILL THE FOLLOWING BLANKS

Application No. \_\_\_\_\_

Class \_\_\_\_\_ License No. \_\_\_\_\_

Name \_\_\_\_\_

St. and No. \_\_\_\_\_

City --- Town \_\_\_\_\_

Date Issued \_\_\_\_\_

Remarks \_\_\_\_\_

ISSUED THROUGH

# A. A. DORITY COMPANY

BOSTON

## CONTINUATION CERTIFICATE

The **NGM Insurance Company**, hereinafter called the Company, hereby continues in force its **MA Used Car Dealer** Bond Number **148623**

in the sum of **Twenty-Five Thousand dollars (\$25,000.00)**

on behalf of

**Plum Auto Works, Inc.**

located at

71 Storey Ave  
Newburyport, MA 01950

in favor of **City of Newburyport, MA**

for the term beginning **December 31st, 2013** and ending on **December 31st, 2014**, subject to all covenants and conditions of said bond.

This Continuation is executed upon the express condition that the Company's liability shall not be cumulative and shall be limited at all times by the amount of the penalty stated in the bond.

In witness whereof, the Company has caused this instrument to be signed by its duly authorized Attorney-in-Fact and its Corporate Seal to be hereto affixed this day, December 6, 2013

NGM Insurance Company

By: 

Katie E. Ford

Attorney-in-Fact

A. A. DORITY Company, Inc.

262 Washington Street, Suite 99

Boston, MA 02108

(617) 523-2935 Fax: 617-523-1707



Communication #2  
January 27, 2014

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
3014 JAN 17 10 10 AM

Dear City Councilors ,

Attached, please find information regarding a 2.6 mile charity road race to benefit the One Fund for your approval. The race, which has already been approved by the Parks and Recreation department, will take place on Sunday, April 13, 2014 at 10 am. All profits will be donated to the One Fund. This is our second year organizing this race, and once again the race is being organized by the Winner's Circle Running Club. Last year we had more than 700 participants, solicited donations from more then 100 area businesses and donated \$15,000 to the One Fund.

Please contact me with questions or concerns, and I look forward to seeing you all on race day.

Best,

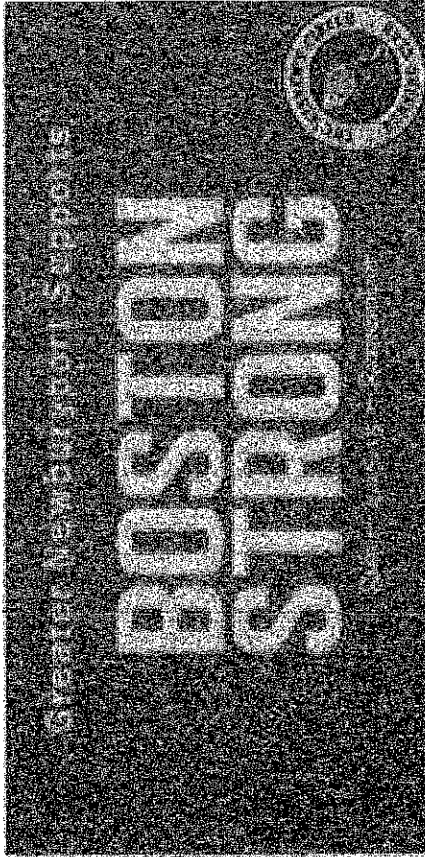
Valerie Natoli Paquette

22 Milk st

Newburyport Ma 01950

978 771-8528

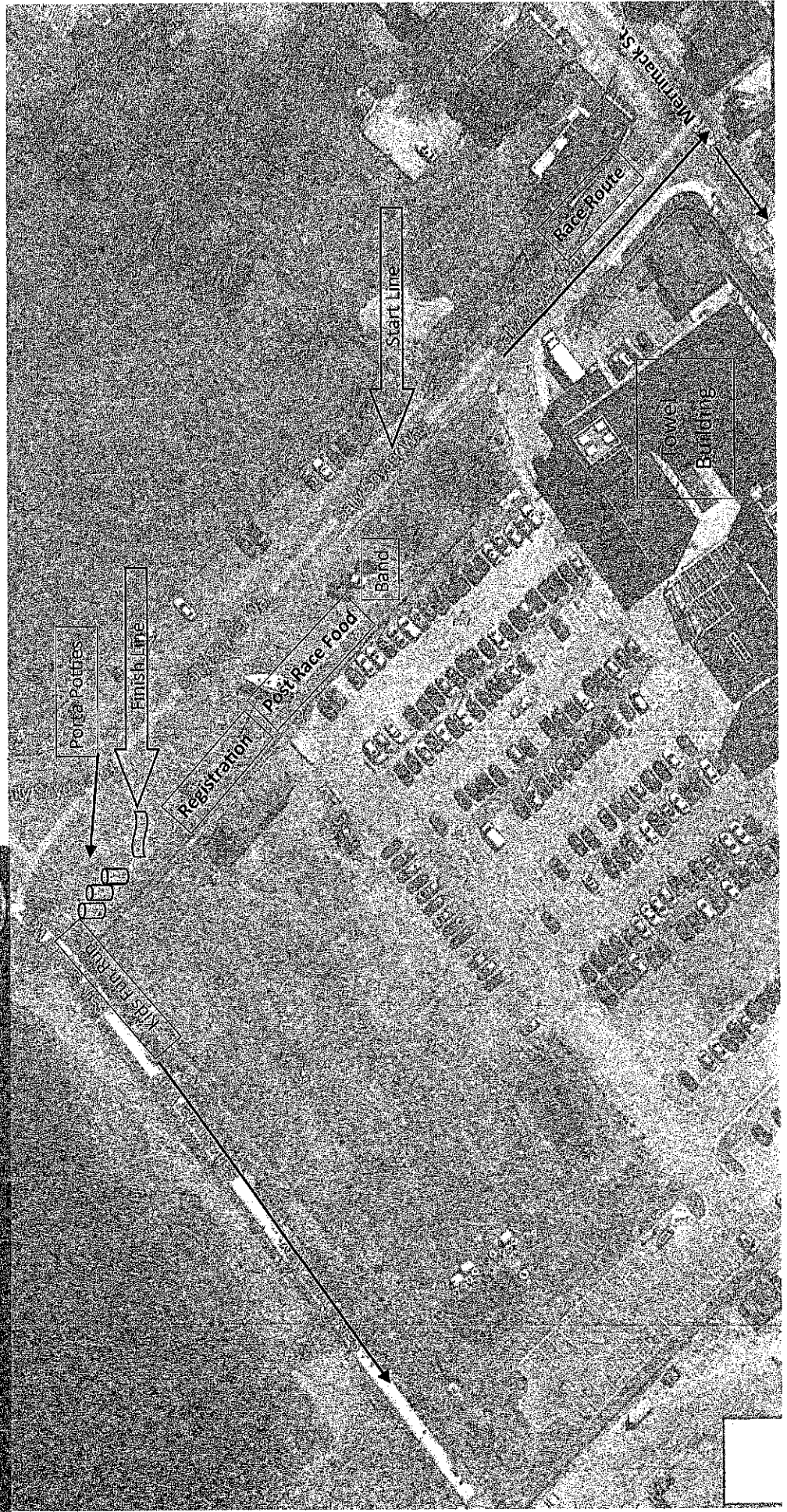
Peekap@aol.com



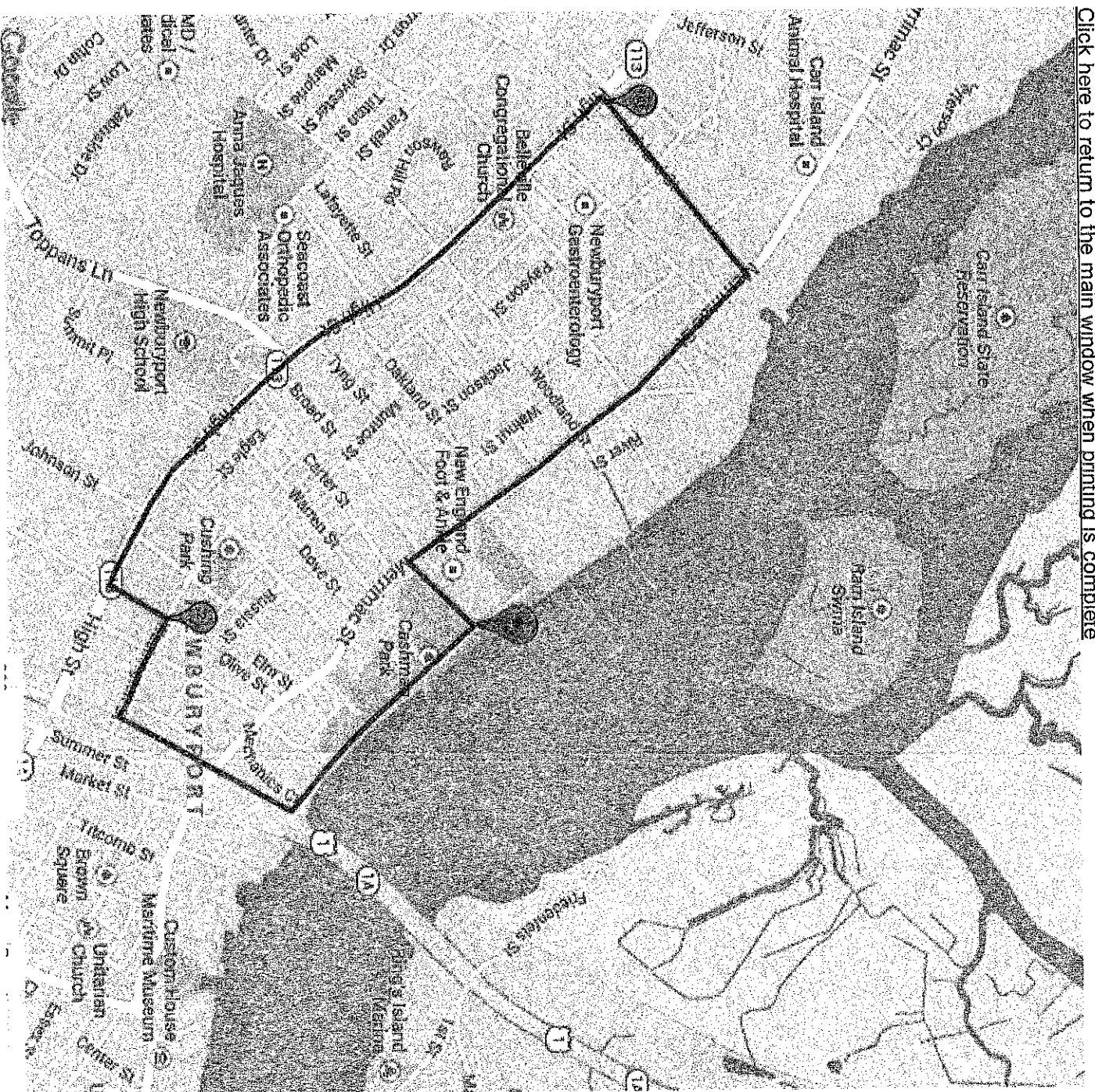
Proposed Event Plan  
 Sunday April 13  
 Date: Saturday-April 12th, 2014

Time: 10:00AM Fun Run for Kids; 10:30AM 2.62 Mile Fun Run

Location: Sally Snyder Way, Newburyport, MA—Boat trailer parking area to left of Sally Snyder Way from grassy area by Towel Building entrance drive to left sidewalk extension of rail trail. The parking area will be blocked off for registration and number pick up the day of the event. There will be porta potties down towards the water. Post race food and entertainment will be set up toward the top by the grassy area. Start line will be in the driveway of Sally Snyder Way before runners proceed up to Merrimack Street. Finish line will be in the parking area.



[Click here to return to the main window when printing is complete](#)





Communication #3  
January 27, 2014

Tara Mahon McQuaid  
5 Silver Ledge Road  
Newbury, MA 01951

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

January 14, 2014

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2014 JAN 21 A 10:01

Dear City Council Members,

I am writing to you to request authorization to hold the 3rd Annual Pan Mass Challenge Greater Newburyport Kids Ride in Newburyport on Sunday, June 22, 2014. The event would take place between 9am-1pm and involve the Clipper City Rail Trail as well as Cashman Park (the basketball court area and the area between the basketball court and baseball field). Last year we had another successful event raising approximately \$10,000.00 for Dana Farber Cancer Institute and involving more families in a very positive experience. The kids had a great time and volunteers and parents were also happy to be involved. We are proud to be "a spoke in the wheel" of the Pan Mass Challenge, which presented Dana Farber Cancer Institute with a check for \$39,000,000.00 in November as a result of last year's fundraising efforts. This unprecedented donation is funding innovative patient care and critical research which will bring us "closer by the mile" to a cure for cancer. Thank you for your consideration.

Respectfully,

Tara Mahon McQuaid

Tara Mahon McQuaid  
(978)809-1241  
tnmmcquaid@comcast.net

77 Fourth Avenue, Needham, MA 02494 \* 781.449.5300 \* kids.pmc.org



## FINANCE DEPARTMENT MEMORANDUM

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 JAN 21 P 3:48

Donna D. Holaday  
Mayor

William B. Squillace  
Finance Director

TO: MAYOR DONNA D. HOLADAY  
CITY COUNCIL PRESIDENT THOMAS O'BRIEN AND  
MEMBERS OF THE CITY COUNCIL

FROM: WILLIAM B. SQUILLACE, FINANCE DIRECTOR

DATE: JANUARY 21, 2014

RE: FY 2014 MID-YEAR BUDGET REPORT

Attached is the FY 2014 Mid-Year Budget Report that includes a summary of budget expenditures for the period July 1, 2013 through December 31, 2013. The report covers expenditures within the General Fund and the Water, Sewer, and Harbormaster Enterprise Funds. Also included below is an update on activities within the Stabilization Funds and the Free Cash account.

FY 2014 marked the second year of implementation for the new budget format that requires the Mayor and City Council to present and approve the budget by budget categories. These categories are: Personal Services, Purchase of Services, Supplies, Other Charges and Expenses, and Capital Outlay. This format is recommended by the Massachusetts Department of Revenue and is in accordance with the best practices recognized by the Government Finance Officers Association (GFOA). The GFOA is the same organization that presented an award to the City for its superior budget presentation and practices.

Once the annual budget is approved by the City Council spending, in each category, cannot exceed the total appropriation for that category unless additional funding is provided through a budget transfer or supplemental budget appropriation. This format has proven to be an effect tool that has helped to reduce the need for the City Council to approve routine budget transfers. This format also allows City managers greater flexibility in managing their budgets. A detailed line item budget report is available in the City Clerk's Office. Please feel free to contact me if you have any questions.

Mid-year budget expenditures within the General Fund, and the Water, Sewer, and Harbormaster Enterprise Fund, were all on target. General Fund expenditures were 51.3% of appropriations, Water 57.5% of appropriations, Sewer 52.7% of appropriations, and Harbormaster 61.6% of budget appropriations. Typically, expenditure levels are not exactly 50% at mid-year because major expenditures occur during various times of the year. In FY 2014, General Fund expenditure levels exceeded 50% primarily due to the early payment of municipal insurance premiums which earned the City a 5% discount. In addition, the City Council approved a budget transfer of \$390,810 out of the General Fund into a new trust fund for compensated absences and buy-backs to retiring employees. Also, expenditures within the Personal Service category exceeded 50% because most benefits are paid during the first half of the year for items such as clothing allowances and longevity. Weather is also a major factor impacting mid-year expenditures particularly within the Enterprise funds where capital projects and operations are seasonal. Another reason why expenditures exceeded 50% in first half of the year is the full payment of the City's contribution to retire expenses prior to December 31, 2013.

Additional funding may be required in some accounts such as snow and ice, overtime, and various salary accounts due to personnel changes and contractual agreements that were implemented after the budget was approved in June. In accordance with State law, the City is allowed to exceed the budget appropriation for Snow and Ice removal due to the unpredictability of winter weather conditions. However, any deficit must be removed prior to year-end through the use of reserves or other available funds. If the deficit is not removed prior to year-end, then the shortage must be made-up in the next fiscal year. Although the Snow and Ice account was not overdraw at mid-year, heavy snow and ice conditions since January 1<sup>st</sup> will make it necessary to make additional appropriations within the Snow and Ice Accounts. In past years, Free Cash has been the source of funding to cover Snow and Ice deficits, which have run as high as \$200,000. However, in FY 2012, additional funding was not required due to mild weather conditions.

The School Department is projecting a budget deficit at year-end. The Mayor and City Council have already provided an additional \$ 161,070 in supplemental budget funding to help cover this deficit which has been caused, in part, by special education costs and out-of-district placement costs. The Mayor will continue to work with the School Department and City Council to address this issue.

## FREE CASH AND STABILIZATION ACCOUNTS

Newburyport's Free Cash for the current year was certified at \$2,492,109, and the current Stabilization Fund balance is \$2,625,056. Collectively, Free Cash and Stabilization Fund balances are at 9.5% of General Fund Expenditures, which is viewed favorably by the bond rating agencies and was a major factor in Standard and Poor's recent bond rating upgrade from AAA to AA+. FY 2014 is the second year in a row that the Mayor's Proposed Budget did not require funding from either the General Stabilization Account or Free Cash to balance the proposed City budget.

As of December 31, 2013, \$323,824.00 has been used from Free Cash leaving an available balance of \$2,168,285.00. Of the amount used, \$320,374.00 was returned to property owners and used to lower the property tax rate. In past years, Free Cash has been also been used to cover potential Snow and Ice deficits and due to the current Snow and Ice deficit, a portion of Free Cash should be reserved for that purpose in FY 2014.

In addition, it is advisable to reserve a portion of Free Cash going into the next year's certification in order to provide additional assurance that the City will remain in a positive Free Cash position at year-end. A year-end minimum Free Cash balance of \$500,000 is advisable and will strengthen the City's overall financial position and bond rating.

Although there is a high likelihood that Free Cash will again be available in FY 2015 due to conservative revenue estimates and effective budget controls, it should be kept in mind that Free Cash is not a guaranteed recurring funding source and expenditures from this account should be used primarily for non-recurring expenses.

The Stabilization Account, commonly referred to as the "Rainy Day Fund", has not been used in the last two years and is an interest bearing account. A City policy has been established to maintain a Stabilization Fund balance equal to 5% of General Fund revenues. The City's ability to maintain this balance is another positive factor in the City's recent bond rating upgrade.

Please feel free to contact me if you have any questions.

Respectfully submitted,

William B. Squillace  
Finance Director

# CITY OF NEWBURYPORT

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

## FY 2014 MID-YEAR BUDGET REPORT

JAN 21 P 3:48

(July 1, 2013 - December 31, 2013)

## GENERAL FUND - DEPARTMENT SUMMARY

ACCOUNTS FOR:	ORIGINAL APPROP	TRANSFRS ADJUSTMTS	REVISED BUDGET	YTD EXPENDED	AVAILABLE BUDGET	PCT USED
<b>001 GENERAL FUND</b>						
TOTAL CITY COUNCIL	\$64,600.00	\$-	\$64,600.00	\$34,324.76	\$30,275.24	53.1
TOTAL MAYOR'S DEPARTMENT	\$228,890.00	\$-	\$228,890.39	\$104,740.02	\$124,150.37	45.8
TOTAL GENERAL ADMINISTRATION	\$746,332.00	(\$390,810.00)	\$355,521.77	\$222,550.22	\$132,971.55	62.6
TOTAL AUDITOR'S DEPARTMENT	\$282,517.00	\$-	\$282,516.50	\$130,685.91	\$151,830.59	46.3
TOTAL ASSESSORS DEPARTMENT	\$257,778.00	\$-	\$257,777.96	\$135,303.43	\$122,474.53	52.5
TOTAL TREASURER'S DEPARTMENT	\$494,272.00	\$-	\$494,271.82	\$173,135.32	\$321,136.50	35
TOTAL INFO TECHNOLOGY DEPT	\$225,173.00	\$21,980.00	\$247,153.23	\$180,325.75	\$66,827.48	73
TOTAL HUMAN RESOURCES	\$98,960.00	\$-	\$98,960.36	\$47,317.77	\$51,642.59	47.8
TOTAL CITY CLERK'S DEPARTMENT	\$205,354.00	\$11,036.00	\$216,389.74	\$105,150.10	\$111,239.64	48.6
TOTAL BOARD OF REGISTRARS	\$40,000.00	\$-	\$40,000.00	\$36,670.40	\$3,329.60	91.7
TOTAL LICENSE COMMISSION	\$6,840.00	\$-	\$6,840.00	\$3,100.00	\$3,740.00	45.3
TOTAL CONSERVATION COMMISSION	\$1,800.00	\$-	\$1,800.00	\$1,350.00	\$450.00	75
TOTAL PLANNING BOARD	\$1,800.00	\$-	\$1,800.00	\$600.00	\$1,200.00	33.3
TOTAL ZONING BOARD	\$1,800.00	\$-	\$1,800.00	\$900.00	\$900.00	50
TOTAL PLANNING & DEVELOPMENT	\$278,281.00	\$60,000.00	\$338,281.25	\$134,158.43	\$204,122.82	39.7
TOTAL LEGAL DEPARTMENT	\$70,000.00	\$-	\$70,000.00	\$19,825.06	\$50,174.94	28.3
TOTAL POLICE DEPARTMENT	\$3,336,667.00	\$6,417.00	\$3,343,084.15	\$1,763,243.88	\$1,579,840.27	52.7
TOTAL FIRE DEPARTMENT	\$3,203,861.00	\$66,593.00	\$3,270,453.90	\$1,619,126.54	\$1,651,327.36	49.5
TOTAL BUILDING DEPARTMENT	\$164,865.00	\$-	\$164,864.85	\$83,656.52	\$81,208.33	50.7
TOTAL EMERGENCY MANAGEMENT	\$27,500.00	\$-	\$27,500.00	\$8,451.22	\$19,048.78	30.7
TOTAL ANIMAL CONTROL	\$59,764.00	\$-	\$59,764.02	\$20,302.80	\$39,461.22	34
TOTAL PARKING CLERK DEPARTMENT	\$42,434.00	\$-	\$42,434.30	\$21,517.13	\$20,917.17	50.7
TOTAL SCHOOL DEPARTMENT	\$23,231,943.00	\$161,070.00	\$23,393,013.00	\$9,524,182.73	\$13,868,830.27	40.7
TOTAL WHITTIER VO TECH SCHOOL	\$335,705.00	\$-	\$335,705.00	\$167,852.00	\$167,853.00	50



ACCOUNTS FOR:		ORIGINAL	TRANSFERS	REVISED	YTD	AVAILABLE	PCT
001	GENERAL FUND	APPROP	ADJSTMNTS	BUDGET	EXPENDED	BUDGET	USED
TOTAL PUBLIC SERVICES DEPARTMENT		\$1,971,423.00	\$277,700.00	\$2,249,122.76	\$1,007,844.59	\$1,241,278.17	44.8
TOTAL SNOW & ICE		\$180,000.00	\$-	\$180,000.00	\$53,970.09	\$126,029.91	30
TOTAL HEALTH DEPARTMENT		\$180,853.00	\$-	\$180,852.66	\$92,657.08	\$88,195.58	51
TOTAL SUSTAINABILITY		\$1,181,779.00	\$37,500.00	\$1,219,279.33	\$433,477.79	\$785,801.54	35.6
TOTAL COUNCIL ON AGING		\$258,130.00	\$-	\$258,129.55	\$100,183.93	\$157,945.62	38.8
TOTAL YOUTH SERVICES		\$223,078.00	\$-	\$223,078.48	\$119,160.44	\$103,918.04	53.4
TOTAL VETERANS' DEPARTMENT		\$228,304.00	\$-	\$228,303.80	\$125,916.35	\$102,387.45	55.2
TOTAL LIBRARY DEPARTMENT		\$1,256,236.00	\$-	\$1,256,236.00	\$647,256.07	\$608,979.93	51.5
TOTAL PARKS COMMISSION		\$124,375.00	\$12,500.00	\$136,875.00	\$98,680.11	\$38,194.89	72.1
TOTAL PERSONAL SERVICES		\$1,800.00	\$-	\$1,800.00	\$600.00	\$1,200.00	33.3
TOTAL HISTORICAL COMMISSION		\$1,800.00	\$-	\$1,800.00	\$600.00	\$1,200.00	33.3
TOTAL DEBT EXCLUSION		\$2,666,654.00	\$-	\$2,666,653.99	\$2,102,405.60	\$564,248.39	78.8
TOTAL ORDINARY DEBT SERVICE		\$1,004,527.00	\$-	\$1,004,527.12	\$560,667.40	\$443,859.72	55.8
TOTAL RETIREMENT BOARD		\$3,417,099.00	\$-	\$3,417,099.00	\$3,417,099.00	\$-	100
TOTAL WORKERS' COMPENSATION		\$57,334.00	\$-	\$57,334.00	\$57,334.00	\$-	100
TOTAL UNEMPLOYMENT CLAIMS		\$30,000.00	\$-	\$30,000.00	\$605.00	\$29,395.00	2
TOTAL INSURANCE GROUP		\$7,735,736.00	\$-	\$7,735,736.00	\$4,290,066.10	\$3,445,669.90	55.5
TOTAL STABILIZATION OUTLAY		\$5,000.00	\$-	\$5,000.00	\$-	\$5,000.00	0
GRAND TOTAL - GENERAL FUND		\$53,929,464.00	\$654,796.00	\$54,584,259.93	\$27,997,667.29	\$26,586,592.64	51.3

ACCOUNTS FOR:  
ENTERPRISE FUNDS

## ENTERPRISE FUNDS

TOTAL WATER FUND	\$4,883,856.00	\$3,272.00	\$4,887,127.49	\$2,810,865.33	\$2,076,262.16	57.5
TOTAL SEWER DEPARTMENT	\$6,306,516.00	\$-	\$6,306,515.91	\$3,325,059.33	\$2,981,456.58	52.7
TOTAL HARBORMASTER	\$350,703.00	\$134,200.00	\$484,903.36	\$298,701.45	\$186,201.91	61.6

# CITY OF NEWBURYPORT

## FY 2014 MID-YEAR BUDGET REPORT

(July 1, 2013 - December 31, 2013)

### GENERAL FUND - CATEGORY SUMMARY

ACCOUNTS FOR:		ORIGINAL	TRANSFERS	REVISED	YTD	AVAILABLE	PCT
001	GENERAL FUND	APPROP	ADJUSTMENTS	BUDGET	EXPENDED	BUDGET	USED
<b>111 CITY COUNCIL</b>							
	TOTAL PERSONAL SERVICES	\$60,600.00	\$-	\$60,600.00	\$30,300.03	\$30,299.97	50
	TOTAL PURCHASE OF SERVICES	\$4,000.00	\$-	\$4,000.00	\$4,024.73	(\$24.73)	100.6
	TOTAL CITY COUNCIL	\$64,600.00	\$-	\$64,600.00	\$34,324.76	\$30,275.24	53.1
<b>121 MAYOR'S DEPARTMENT</b>							
	TOTAL PERSONAL SERVICES	\$213,890.00	\$-	\$213,890.39	\$103,695.27	\$110,195.12	48.5
	TOTAL OTHER CHARGES & EXPENSES	\$15,000.00	\$-	\$15,000.00	\$1,044.75	\$13,955.25	7
	TOTAL MAYOR'S DEPARTMENT	\$228,890.00	\$-	\$228,890.39	\$104,740.02	\$124,150.37	45.8
<b>129 GENERAL ADMINISTRATION</b>							
	TOTAL PERSONAL SERVICES	\$3,500.00	\$-	\$3,500.00	\$276.00	\$3,224.00	7.9
	TOTAL PURCHASE OF SERVICES	\$146,200.00	\$-	\$146,200.00	\$60,007.39	\$86,192.61	41
	TOTAL SUPPLIES	\$6,000.00	\$-	\$6,000.00	\$552.69	\$5,447.31	9.2
	TOTAL OTHER CHARGES & EXPENSES	\$590,632.00	(\$390,810.00)	\$199,821.77	\$161,714.14	\$38,107.63	80.9
	TOTAL GENERAL ADMINISTRATION	\$746,332.00	(\$390,810.00)	\$355,521.77	\$222,550.22	\$132,971.55	62.6
<b>135 AUDITOR'S DEPARTMENT</b>							
	TOTAL PERSONAL SERVICES	\$240,786.00	\$-	\$240,785.86	\$129,782.84	\$111,003.02	53.9
	TOTAL PURCHASE OF SERVICES	\$40,250.00	\$-	\$40,250.00	\$-	\$40,250.00	0
	TOTAL SUPPLIES	\$1,251.00	\$-	\$1,250.64	\$843.07	\$407.57	67.4
	TOTAL OTHER CHARGES & EXPENSES	\$230.00	\$-	\$230.00	\$60.00	\$170.00	26.1
	TOTAL AUDITOR'S DEPARTMENT	\$282,517.00	\$-	\$282,516.50	\$130,685.91	\$151,830.59	46.3

	ORIGINAL APPROP	TRANSFERS ADJUSTMENTS	REVISED BUDGET	YTD EXPENDED	AVAILABLE BUDGET	PCT USED
<b>141 ASSESSORS DEPARTMENT</b>						
TOTAL PERSONAL SERVICES	\$196,228.00	\$-	\$196,227.96	\$100,042.18	\$96,185.78	51
TOTAL PURCHASE OF SERVICES						
TOTAL SUPPLIES	\$3,600.00	\$-	\$3,600.00	\$2,192.63	\$1,407.37	60.9
TOTAL ASSESSORS DEPARTMENT	\$257,778.00	\$-	\$257,777.96	\$135,303.43	\$122,474.53	52.5
<b>145 TREASURER'S DEPARTMENT</b>						
TOTAL PERSONAL SERVICES	\$281,172.00	\$-	\$281,171.82	\$140,170.14	\$141,001.68	49.9
TOTAL PURCHASE OF SERVICES	\$52,500.00	\$-	\$52,500.00	\$13,458.85	\$39,041.15	25.6
TOTAL SUPPLIES	\$4,350.00	\$-	\$4,350.00	\$770.21	\$3,579.79	17.7
TOTAL OTHER CHARGES & EXPENSES	\$156,250.00	\$-	\$156,250.00	\$18,736.12	\$137,513.88	12
TOTAL TREASURER'S DEPARTMENT	\$494,272.00	\$-	\$494,271.82	\$173,135.32	\$321,136.50	35
<b>151 INFO TECHNOLOGY DEPT</b>						
TOTAL PERSONAL SERVICES	\$76,658.00	\$-	\$76,657.73	\$38,479.36	\$38,178.37	50.2
TOTAL PURCHASE OF SERVICES	\$146,916.00	\$21,980.00	\$168,895.50	\$141,528.03	\$27,367.47	83.8
TOTAL SUPPLIES	\$1,600.00	\$-	\$1,600.00	\$318.36	\$1,281.64	19.9
TOTAL PURCHASE OF SERVICES	\$146,916.00	\$21,980.00	\$168,895.50	\$141,528.03	\$27,367.47	83.8
TOTAL INFO TECHNOLOGY DEPT	\$225,173.00	\$21,980.00	\$247,153.23	\$180,325.75	\$66,827.48	73
<b>152 HUMAN RESOURCES</b>						
TOTAL PERSONAL SERVICES	\$63,360.00	\$-	\$63,360.36	\$31,680.22	\$31,680.14	50
TOTAL PURCHASE OF SERVICES	\$25,000.00	\$-	\$25,000.00	\$11,038.33	\$13,961.67	44.2
TOTAL SUPPLIES	\$10,000.00	\$-	\$10,000.00	\$4,349.22	\$5,650.78	43.5
TOTAL OTHER CHARGES & EXPENSES	\$600.00	\$-	\$600.00	\$250.00	\$350.00	41.7
TOTAL HUMAN RESOURCES	\$98,960.00	\$-	\$98,960.36	\$47,317.77	\$51,642.59	47.8
<b>161 CITY CLERK'S DEPARTMENT</b>						
TOTAL PERSONAL SERVICES	\$193,704.00	\$-	\$193,703.74	\$96,912.59	\$96,791.15	50
TOTAL PURCHASE OF SERVICES	\$11,650.00	\$-	\$11,650.00	\$8,237.51	\$3,412.49	70.7
TOTAL CAPITAL OUTLAY	\$-	\$11,036.00	\$11,036.00	\$-	\$11,036.00	0
TOTAL CITY CLERK'S DEPARTMENT	\$205,354.00	\$11,036.00	\$216,389.74	\$105,150.10	\$111,239.64	48.6

	APPROP	ADJSTMNTS	BUDGET	EXPENDED	BUDGET	USED
<b>163 BOARD OF REGISTRARS</b>						
TOTAL PERSONAL SERVICES	\$4,000.00	\$-	\$4,000.00	\$1,999.83	\$2,000.17	50
TOTAL OTHER CHARGES & EXPENSES	\$36,000.00	\$-	\$36,000.00	\$34,670.57	\$1,329.43	96.3
TOTAL BOARD OF REGISTRARS	\$40,000.00	\$-	\$40,000.00	\$36,670.40	\$3,329.60	91.7
<b>165 LICENSE COMMISSION</b>						
TOTAL PERSONAL SERVICES	\$5,340.00	\$-	\$5,340.00	\$2,225.00	\$3,115.00	41.7
TOTAL OTHER CHARGES & EXPENSES	\$1,500.00	\$-	\$1,500.00	\$875.00	\$625.00	58.3
TOTAL LICENSE COMMISSION	\$6,840.00	\$-	\$6,840.00	\$3,100.00	\$3,740.00	45.3
<b>171 CONSERVATION COMMISSION</b>						
TOTAL PERSONAL SERVICES	\$1,800.00	\$-	\$1,800.00	\$1,350.00	\$450.00	75
TOTAL CONSERVATION COMMISSION	\$1,800.00	\$-	\$1,800.00	\$1,350.00	\$450.00	75
<b>175 PLANNING BOARD</b>						
TOTAL PERSONAL SERVICES	\$1,800.00	\$-	\$1,800.00	\$600.00	\$1,200.00	33.3
TOTAL PLANNING BOARD	\$1,800.00	\$-	\$1,800.00	\$600.00	\$1,200.00	33.3
<b>176 ZONING BOARD</b>						
TOTAL PERSONAL SERVICES	\$1,800.00	\$-	\$1,800.00	\$900.00	\$900.00	50
TOTAL ZONING BOARD	\$1,800.00	\$-	\$1,800.00	\$900.00	\$900.00	50
<b>182 PLANNING &amp; DEVELOPMENT</b>						
TOTAL PERSONAL SERVICES	\$262,231.00	\$-	\$262,231.25	\$132,141.44	\$130,089.81	50.4
TOTAL PURCHASE OF SERVICES	\$10,000.00	\$60,000.00	\$70,000.00	\$-	\$70,000.00	0
TOTAL SUPPLIES	\$6,050.00	\$-	\$6,050.00	\$2,016.99	\$4,033.01	33.3
TOTAL PLANNING & DEVELOPMENT	\$278,281.00	\$60,000.00	\$338,281.25	\$134,158.43	\$204,122.82	39.7
<b>191 LEGAL DEPARTMENT</b>						
TOTAL PURCHASE OF SERVICES	\$70,000.00	\$-	\$70,000.00	\$19,825.06	\$50,174.94	28.3
TOTAL LEGAL DEPARTMENT	\$70,000.00	\$-	\$70,000.00	\$19,825.06	\$50,174.94	28.3

	ORIGINAL APPROP	TRANSFRS ADJSTMNTS	REVISED BUDGET	YTD EXPENDED	AVAILABLE BUDGET	PCT USED
<b>210 POLICE DEPARTMENT</b>						
TOTAL PERSONAL SERVICES	\$3,010,253.00	\$-	\$3,010,253.15	\$1,615,771.43	\$1,394,481.72	53.7
TOTAL PURCHASE OF SERVICES	\$167,366.00	\$-	\$167,366.00	\$74,179.85	\$93,186.15	44.3
TOTAL SUPPLIES	\$100,600.00	\$-	\$100,600.00	\$38,900.56	\$61,699.44	38.7
TOTAL OTHER CHARGES & EXPENSES	\$9,448.00	\$-	\$9,448.00	\$5,378.65	\$4,069.35	56.9
TOTAL CAPITAL OUTLAY	\$49,000.00	\$6,417.00	\$55,417.00	\$29,013.39	\$26,403.61	52.4
TOTAL POLICE DEPARTMENT	\$3,336,667.00	\$6,417.00	\$3,343,084.15	\$1,763,243.88	\$1,579,840.27	52.7
<b>220 FIRE DEPARTMENT</b>						
TOTAL PERSONAL SERVICES	\$2,901,961.00	\$-	\$2,901,960.90	\$1,495,889.16	\$1,406,071.74	51.5
TOTAL PURCHASE OF SERVICES	\$196,850.00	\$1,000.00	\$197,850.00	\$93,818.61	\$104,031.39	47.4
TOTAL SUPPLIES	\$76,700.00	\$-	\$76,700.00	\$26,218.88	\$50,481.12	34.2
TOTAL OTHER CHARGES & EXPENSES	\$5,450.00	\$-	\$5,450.00	\$389.00	\$5,061.00	7.1
TOTAL CAPITAL OUTLAY	\$22,900.00	\$65,593.00	\$88,493.00	\$2,810.89	\$85,682.11	3.2
TOTAL FIRE DEPARTMENT	\$3,203,861.00	\$66,593.00	\$3,270,453.90	\$1,619,126.54	\$1,651,327.36	49.5
<b>241 BUILDING DEPARTMENT</b>						
TOTAL PERSONAL SERVICES	\$163,540.00	\$-	\$163,539.85	\$83,656.52	\$79,883.33	51.2
TOTAL PURCHASE OF SERVICES	\$1,325.00	\$-	\$1,325.00	\$-	\$1,325.00	0
TOTAL BUILDING DEPARTMENT	\$164,865.00	\$-	\$164,864.85	\$83,656.52	\$81,208.33	50.7
<b>291 EMERGENCY MANAGEMENT</b>						
TOTAL PERSONAL SERVICES	\$13,000.00	\$-	\$13,000.00	\$6,500.00	\$6,500.00	50
TOTAL PURCHASE OF SERVICES	\$10,000.00	\$-	\$10,000.00	\$1,951.22	\$8,048.78	19.5%
TOTAL SUPPLIES	\$2,500.00	\$-	\$2,500.00	\$-	\$2,500.00	0
TOTAL OTHER CHARGES & EXPENSES	\$2,000.00	\$-	\$2,000.00	\$-	\$2,000.00	0
TOTAL EMERGENCY MANAGEMENT	\$27,500.00	\$-	\$27,500.00	\$8,451.22	\$19,048.78	30.7
<b>292 ANIMAL CONTROL</b>						
TOTAL PERSONAL SERVICES	\$47,334.00	\$-	\$47,334.02	\$17,820.57	\$29,513.45	37.6
TOTAL PURCHASE OF SERVICES	\$9,840.00	\$-	\$9,840.00	\$1,541.45	\$8,298.55	15.7
TOTAL SUPPLIES	\$2,290.00	\$-	\$2,290.00	\$890.78	\$1,399.22	38.9
TOTAL OTHER CHARGES & EXPENSES	\$300.00	\$-	\$300.00	\$50.00	\$250.00	16.7
TOTAL ANIMAL CONTROL	\$59,764.00	\$-	\$59,764.02	\$20,302.80	\$39,461.22	34

	ORIGINAL APPROP	TRANSFERS ADJUSTMTS	REVISED BUDGET	YTD EXPENDED	AVAILABLE BUDGET	PCT USED
<b>293 PARKING CLERK DEPARTMENT</b>						
TOTAL PERSONAL SERVICES	\$42,434.00	\$-	\$42,434.30	\$21,517.13	\$20,917.17	50.7
TOTAL PARKING CLERK DEPARTMENT	\$42,434.00	\$-	\$42,434.30	\$21,517.13	\$20,917.17	50.7
<b>300 SCHOOL DEPARTMENT</b>						
TOTAL PURCHASE OF SERVICES	\$23,231,943.00	\$161,070.00	\$23,393,013.00	\$9,524,182.73	\$13,868,830.27	40.7
TOTAL SCHOOL DEPARTMENT	\$23,231,943.00	\$161,070.00	\$23,393,013.00	\$9,524,182.73	\$13,868,830.27	40.7
<b>399 WHITTIER VO TECH SCHOOL</b>						
TOTAL PURCHASE OF SERVICES	\$335,705.00	\$-	\$335,705.00	\$167,852.00	\$167,853.00	50
TOTAL WHITTIER VO TECH SCHOOL	\$335,705.00	\$-	\$335,705.00	\$167,852.00	\$167,853.00	50
<b>421 PUBLIC SERVICES DEPARTMENT</b>						
TOTAL PERSONAL SERVICES	\$1,309,331.00	\$-	\$1,309,330.76	\$608,293.14	\$701,037.62	46.5
TOTAL PURCHASE OF SERVICES	\$366,717.00	\$60,700.00	\$427,417.00	\$224,614.56	\$202,802.44	52.6
TOTAL SUPPLIES	\$220,375.00	\$150,000.00	\$370,375.00	\$161,765.08	\$208,609.92	43.7
TOTAL CAPITAL OUTLAY	\$75,000.00	\$67,000.00	\$142,000.00	\$13,171.81	\$128,828.19	9.3
TOTAL PUBLIC SERVICES DEPARTMENT	\$1,971,423.00	\$277,700.00	\$2,249,122.76	\$1,007,844.59	\$1,241,278.17	44.8
<b>423 SNOW &amp; ICE</b>						
TOTAL PERSONAL SERVICES	\$90,000.00	\$-	\$90,000.00	\$-	\$90,000.00	0
TOTAL PURCHASE OF SERVICES	\$90,000.00	\$-	\$90,000.00	\$53,970.09	\$36,029.91	60
TOTAL SNOW & ICE	\$180,000.00	\$-	\$180,000.00	\$53,970.09	\$126,029.91	30
<b>510 HEALTH DEPARTMENT</b>						
TOTAL PERSONAL SERVICES	\$170,608.00	\$-	\$170,607.66	\$87,619.97	\$82,987.69	51.4
TOTAL PURCHASE OF SERVICES	\$4,245.00	\$-	\$4,245.00	\$2,135.00	\$2,110.00	50.3
TOTAL SUPPLIES	\$4,000.00	\$-	\$4,000.00	\$2,554.11	\$1,445.89	63.9
TOTAL OTHER CHARGES & EXPENSES	\$2,000.00	\$-	\$2,000.00	\$348.00	\$1,652.00	17.4
TOTAL HEALTH DEPARTMENT	\$180,853.00	\$-	\$180,852.66	\$92,657.08	\$88,195.58	51

	ORIGINAL APPROP	TRANSFRS ADJUSTMTS	REVISED BUDGET	YTD EXPENDED	AVAILABLE BUDGET	PCT USED
<b>519 SUSTAINABILITY</b>						
TOTAL PERSONAL SERVICES	\$64,380.00	\$-	\$64,380.33	\$41,760.53	\$22,619.80	64.9
TOTAL PURCHASE OF SERVICES	\$1,116,399.00	\$37,500.00	\$1,153,899.00	\$391,488.98	\$762,410.02	33.9
TOTAL SUPPLIES	\$1,000.00	\$-	\$1,000.00	\$228.28	\$771.72	22.8
TOTAL SUSTAINABILITY	\$1,181,779.00	\$37,500.00	\$1,219,279.33	\$433,477.79	\$785,801.54	35.6
<b>541 COUNCIL ON AGING</b>						
TOTAL PERSONAL SERVICES	\$213,030.00	\$-	\$213,029.55	\$92,431.45	\$120,598.10	43.4
TOTAL PURCHASE OF SERVICES	\$32,100.00	\$-	\$32,100.00	\$1,267.04	\$30,832.96	3.9
TOTAL SUPPLIES	\$13,000.00	\$-	\$13,000.00	\$6,485.44	\$6,514.56	49.9
TOTAL COUNCIL ON AGING	\$258,130.00	\$-	\$258,129.55	\$100,183.93	\$157,945.62	38.8
<b>542 YOUTH SERVICES</b>						
TOTAL PERSONAL SERVICES	\$130,968.00	\$-	\$130,968.48	\$55,069.56	\$75,898.92	42
TOTAL PURCHASE OF SERVICES	\$19,300.00	\$-	\$19,300.00	\$13,120.00	\$6,180.00	68
TOTAL OTHER CHARGES & EXPENSES	\$72,810.00	\$-	\$72,810.00	\$50,970.88	\$21,839.12	70
TOTAL YOUTH SERVICES	\$223,078.00	\$-	\$223,078.48	\$119,160.44	\$103,918.04	53.4
<b>543 VETERANS' DEPARTMENT</b>						
TOTAL PERSONAL SERVICES	\$51,024.00	\$-	\$51,023.80	\$25,551.18	\$25,472.62	50.1
TOTAL PURCHASE OF SERVICES	\$3,500.00	\$-	\$3,500.00	\$759.10	\$2,740.90	21.7
TOTAL OTHER CHARGES & EXPENSES	\$173,780.00	\$-	\$173,780.00	\$99,606.07	\$74,173.93	57.3
TOTAL VETERANS' DEPARTMENT	\$228,304.00	\$-	\$228,303.80	\$125,916.35	\$102,387.45	55.2
<b>610 LIBRARY DEPARTMENT</b>						
TOTAL PERSONAL SERVICES	\$946,765.00	\$-	\$946,765.00	\$450,693.51	\$496,071.49	47.6
TOTAL PURCHASE OF SERVICES	\$309,471.00	\$-	\$309,471.00	\$196,562.56	\$112,908.44	63.5
TOTAL LIBRARY DEPARTMENT	\$1,256,236.00	\$-	\$1,256,236.00	\$647,256.07	\$608,979.93	51.5
<b>630 PARKS COMMISSION</b>						
TOTAL PERSONAL SERVICES	\$36,500.00	\$-	\$36,500.00	\$18,250.05	\$18,249.95	50
TOTAL PURCHASE OF SERVICES	\$82,875.00	\$12,500.00	\$95,375.00	\$78,969.95	\$16,405.05	82.8
TOTAL SUPPLIES	\$5,000.00	\$-	\$5,000.00	\$1,460.11	\$3,539.89	29.2
TOTAL PARKS COMMISSION	\$124,375.00	\$12,500.00	\$136,875.00	\$98,680.11	\$38,194.89	72.1

	ORIGINAL APPROP	TRANSFRS ADJUSTMTS	REVISED BUDGET	YTD EXPENDED	AVAILABLE BUDGET	PCT USED
<b>691 HISTORICAL COMMISSION</b>						
TOTAL PERSONAL SERVICES	\$1,800.00	\$-	\$1,800.00	\$600.00	\$1,200.00	33.3
TOTAL HISTORICAL COMMISSION	\$1,800.00	\$-	\$1,800.00	\$600.00	\$1,200.00	33.3
<b>710 DEBT EXCLUSION</b>						
TOTAL DEBT EXCLUSION	\$2,666,654.00	\$-	\$2,666,653.99	\$2,102,405.60	\$564,248.39	78.8
<b>720 ORDINARY DEBT SERVICE</b>						
TOTAL ORDINARY DEBT SERVICE	\$1,004,527.00	\$-	\$1,004,527.12	\$560,667.40	\$443,859.72	55.8
<b>911 RETIREMENT BOARD</b>						
TOTAL PERSONAL SERVICES	\$3,417,099.00	\$-	\$3,417,099.00	\$3,417,099.00	\$-	100
TOTAL RETIREMENT BOARD	\$3,417,099.00	\$-	\$3,417,099.00	\$3,417,099.00	\$-	100
<b>912 WORKERS' COMPENSATION</b>						
TOTAL PERSONAL SERVICES	\$57,334.00	\$-	\$57,334.00	\$57,334.00	\$-	100
TOTAL WORKERS' COMPENSATION	\$57,334.00	\$-	\$57,334.00	\$57,334.00	\$-	100
<b>913 UNEMPLOYMENT CLAIMS</b>						
TOTAL PERSONAL SERVICES	\$30,000.00	\$-	\$30,000.00	\$605.00	\$29,395.00	2
TOTAL UNEMPLOYMENT CLAIMS	\$30,000.00	\$-	\$30,000.00	\$605.00	\$29,395.00	2
<b>914 INSURANCE GROUP</b>						
TOTAL PERSONAL SERVICES	\$7,735,736.00	\$-	\$7,735,736.00	\$4,290,066.10	\$3,445,669.90	55.5
TOTAL INSURANCE GROUP	\$7,735,736.00	\$-	\$7,735,736.00	\$4,290,066.10	\$3,445,669.90	55.5
<b>942 STABILIZATION OUTLAY</b>						
TOTAL OTHER CHARGES & EXPENSES	\$5,000.00	\$-	\$5,000.00	\$-	\$5,000.00	0
TOTAL STABILIZATION OUTLAY	\$5,000.00	\$-	\$5,000.00	\$-	\$5,000.00	0
<b>GRAND TOTAL - GENERAL FUND</b>	<b>\$53,929,464.00</b>	<b>\$654,796.00</b>	<b>\$54,584,259.93</b>	<b>\$27,997,667.29</b>	<b>\$26,586,592.64</b>	<b>51.3</b>



FOR 2014 13

## ENTERPRISE FUNDS

	ORIGINAL APPROP	TRANSFRS ADJSTMTS	REVISED BUDGET	YTD EXPENDED	AVAILABLE BUDGET	PCT USED
<b>DPS WATER DEPARTMENT</b>						
TOTAL PERSONAL SERVICES	\$1,890,846.00	\$-	\$1,890,845.65	\$1,051,519.24	\$839,326.41	55.6
TOTAL PURCHASE OF SERVICES	\$855,118.00	\$3,272.00	\$858,389.37	\$373,985.40	\$484,403.97	43.6
TOTAL SUPPLIES	\$229,060.00	\$-	\$229,059.68	\$81,305.47	\$147,754.21	35.5
TOTAL OTHER CHARGES & EXPEN	\$67,353.00	\$-	\$67,353.39	\$44,218.27	\$23,135.12	65.7
TOTAL CAPITAL OUTLAY	\$155,000.00	\$-	\$155,000.00	\$17,750.71	\$137,249.29	11.5
TOTAL WATER FUND	\$4,883,856.00	\$3,272.00	\$4,887,127.49	\$2,810,865.33	\$2,076,262.16	57.5

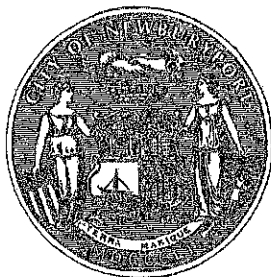
**DPS SEWER DEPARTMENT**

TOTAL PERSONAL SERVICES	\$1,944,180.00	\$-	\$1,944,180.29	\$1,041,242.00	\$902,938.29	53.6
TOTAL PURCHASE OF SERVICES	\$1,424,148.00	\$-	\$1,424,147.61	\$506,897.47	\$917,250.14	35.6
TOTAL SUPPLIES	\$346,160.00	\$-	\$346,160.00	\$106,276.31	\$239,883.69	30.7
TOTAL OTHER CHARGES & EXP	\$20,886.00	\$-	\$20,886.00	\$20,196.00	\$690.00	96.7
TOTAL CAPITAL OUTLAY	\$300,000.00	\$-	\$300,000.00	\$47,230.31	\$252,769.69	15.7
TOTAL SEWER DEPARTMENT	\$6,306,516.00	\$-	\$6,306,515.91	\$3,325,059.33	\$2,981,456.58	52.7

**295 HARBORMASTER DEPARTMENT**

TOTAL PERSONAL SERVICES	\$228,878.00	\$-	\$228,878.36	\$126,902.61	\$101,975.75	55.4
TOTAL PURCHASE OF SERVICES	\$40,950.00	\$-	\$40,950.00	\$9,033.14	\$31,916.86	22.1
TOTAL SUPPLIES	\$18,800.00	\$-	\$18,800.00	\$5,879.56	\$12,920.44	31.3
TOTAL OTHER CHARGES & EXPENSES	\$6,075.00	\$-	\$6,075.00	\$3,255.00	\$2,820.00	53.6
TOTAL CAPITAL OUTLAY	\$30,000.00	\$-	\$30,000.00	\$18,931.14	\$11,068.86	63.1
TOTAL HARBORMASTER	\$350,703.00	\$134,200.00	\$484,903.36	\$298,701.45	\$186,201.91	61.6

## APPOINTMENTS



Appointment #1  
January 27, 2014

# 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

2014 JAN 16 A 11:39

To: President and Members of the City Council  
From: Donna D. Holaday, Mayor  
Date: January 14, 2014  
Re: Appointment

~~~~~  
I hereby appoint, subject to your approval, the following named individual as a member of the Fruit Street Local Historic District Commission. This term will expire on March 1, 2017.

Leslie Eckholdt  
36 Warren Street  
Newburyport, MA 01950

Jan. 12, 2014

Mayor Donna D. Holaday  
City of Newburyport City Hall  
60 Pleasant St. - P. O. Box 550  
Newburyport, MA 01950

Dear Mayor Holaday,

First of all, congratulations for arranging such a memorable inauguration day for the citizens of Newburyport . The program was so well received.

And thank you for your thoughtful invitation - I would have loved to have come if I had been able.

I am writing to ask if my services could be helpful to your administration in a volunteer capacity. I have expressed to you my interest in joining the Fruit Street LHD Commission if this seems appropriate to you.

I developed two new awarenesses while running for the Ward 3 City Council seat. The first awareness is the deep dissatisfaction citizens have with the condition of our sidewalks. Citizens would like a much more expanded sidewalk improvement program than we currently have. Citizens want the most used sidewalks to be genuinely walkable and they want a publicly agreed upon and transparent program for sidewalk improvement. Interestingly, some citizens suggested a private-public partnership as a possible way to pay for sidewalk improvement because of the added value good sidewalks bring to a street. In sum, I think the city needs to explore creating a comprehensive sidewalk improvement program and I would love to help with such a worthwhile project.

My second new awareness was the widely-held citizen concern about the lack of safety on our streets. Over and over again, I heard complaints about traffic and speed rules not being enforced and how unsafe the crosswalks were. The complaints came from High St., Washington St., Johnson St., Merrimac St.,- all across the ward. I came to the conclusion that better

traffic enforcement was a relatively easy and inexpensive way to markedly improve life quality in NBPT that would be very appreciated by the citizens. I would be interested in trying to help with this problem as well.

I so enjoyed meeting the voters of Ward 3 and would like to help in whatever way I can with the concerns they expressed to me.

I am delighted that you to be working with such an exciting new City Council and wish you the very best for this coming year. Congratulations upon becoming our first 4 year mayor - a position you well deserve.

Sincerely,

A handwritten signature in black ink that reads "Leslie Eckholdt". The signature is written in a cursive, flowing style.

Leslie Eckholdt  
36 Warren St.  
NBPT, MA 01950  
978-465-6066

Leslie H. Eckholdt  
36 Warren St.  
Newburyport, MA  
978-465-6066  
leckholdt@comcast.net

### Work Experience

- 1963 - 1965 Administrative assistant & librarian, Boston University,  
Boston, MA
- 1965 - 1969 Academic advisor, University of MN, Mpls., MN
- 1969 - 1971 College counselor, Metropolitan State University, Mpls., MN
- 1971 - 1977 Reference librarian, American Community School, Beirut,  
Lebanon and Haverhill Public Library, Haverhill, MA
  
- 1979 - 1988 Mortgage lending officer, consumer lending officer, branch  
manager, Home Savings & Loan, First Federal Savings &  
Loan, Norwest Bank (Wells Fargo Bank), Mpls., MN
- 1989 - 1994 Broker's assistant and stock broker, Smith Barney Securities,  
Prudential Securities, Mpls., MN
  
- 1995 - 2000 Retirement plans department manager, Colonial Mutual  
Funds, Boston, MA
- 2000- 2007 Retirement plans specialist, MetLife Inc., Boston, MA
- 2007 - Retired

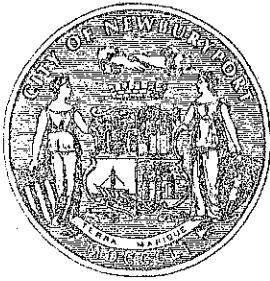
### Education and Background

Brown University, BA degree 1963  
Art history major, studied with Professor William H. Jordy, a leading  
American architectural historian.

University of MN, College of Education MA degree 1969  
College counseling program.

Series 7, 63, 65 and CFA Level 1

Extracurricular interests: Historic architecture and preservation, current events,  
politics and history, travel, gardening, art & art history. Founding member of  
Roof Overhead.



Re-appointment #2  
January 27, 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 C.  
NEWBURYPORT, MA

2014 JAN 13 P 1:42

To: President and Members of the  
City Council

From: Donna D. Holaday, Mayor

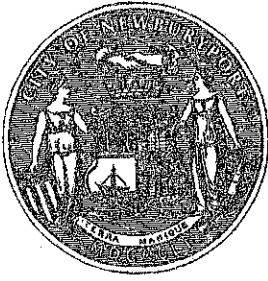
Date: January 2, 2014

Subject: Re-Appointment

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I hereby re-appoint, subject to your approval, the following  
named individual as Electrical Inspector. This term will  
expire on January 31, 2015.

David Zinck  
6 Laurel Road  
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

Re-ppointment #3

January 27, 2014

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

JAN 14 A 11:56

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

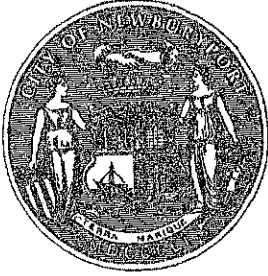
Date: January 14, 2014

Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as Director of the Department of Public Services. This term will expire on February 1, 2017.

Anthony J. Furnari  
10 Olsen Road  
Peabody, MA 01960





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

Re-appointment #4  
January 27, 2014

CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 JAN 16 P 4:02

To: President and Members of the  
City Council

From: Donna D. Holaday, Mayor

Date: January 16, 2014

Subject: Re-Appointment

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I hereby reappoint, subject to your approval, the  
following named individual as a member of Planning  
Board. This term will expire on January 31, 2019.

James McCarthy  
17 Russia Street  
Newburyport, MA 01950



END OF CONSENT AGENDA

BEGINNING OF REGULAR AGENDA

**APPOINTMENTS  
SECOND READING**

**MAYOR'S APPOINTMENTS  
SECOND READING  
JANUARY 27, 2014**

**Appointment**

- |                       |                      |                               |                  |
|-----------------------|----------------------|-------------------------------|------------------|
| 1. Josh Kasteler      | 15 Cutting Drive     | Moseley Woods Commission      | January 31, 2017 |
| 2. Barry J. McBride   | 5 Pine St, Salisbury | Ass't Wiring Inspector        | January 31, 2015 |
| 3. Daniel J. Koen     | 16 Boyd Drive        | Newburyport Housing Authority | January 1, 2019  |
| 4. Kristen M. Farrell | 28 Spofford Street   | Disabilities Commission       | January 31, 2017 |
| 5. Mark E. Bilodeau   | 63 High Street       | Historical Commission         | May 1, 2017      |

**Re-Appointment**

- |                   |                  |                          |                  |
|-------------------|------------------|--------------------------|------------------|
| 6. Andrew R. Port | 12 Central Place | Director Planning & Dev. | January 31, 2017 |
|-------------------|------------------|--------------------------|------------------|

**CITY COUNCIL APPOINTMENT**

**Re-Appointment**

- |                     |                 |            |                  |
|---------------------|-----------------|------------|------------------|
| 7. Richard B. Jones | 283 High Street | City Clerk | January 31, 2017 |
|---------------------|-----------------|------------|------------------|

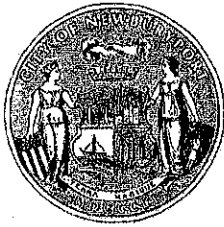
**In City Council January 13, 2014**

**Motion to approve the Consent Agenda as amended by Councillor Cronin, seconded by Councillor Connell. So voted.**

# ORDERS

# City of Newburyport

Order #1  
January 27, 2014



RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 JAN 21 A 11:53

**Donna D. Holaday**  
**Mayor**

## IN CITY COUNCIL

ORDERED:

DATE: January 27, 2014

THAT, the Newburyport City Council establishes a Tree Commission Revolving Fund in accordance with MGL, Chapter 44 Sec.53E1/2. The source of funds shall be fines, voluntary payments, fees, charges, contributions, donations, grants, insurance settlements, and other payments received from private individuals, businesses, government entities, and persons or businesses making payment to the City for damage caused to trees located on City property.

FURTHER, that said funds shall be used to plant, maintain, protect, and preserve public trees throughout the City in order to: contribute to the distinct character of the City; improve air quality; create habitats for wildlife, including various rare and protected species; reduce noise; provide privacy; protect soil from erosion; provide glare and heat protection; provide an aesthetic appeal that enhances property values; provides natural privacy to neighbors; and promotes civic pride and enjoyment. Expenditures from the Newburyport Tree Commission Revolving Fund shall not exceed \$50,000 for the remainder of FY 2014.

IN ADDITION, the current Newburyport Tree Commission's Gifts and Grants account #2929, shall be eliminated and the remaining fund balance shall be transferred into the new Newburyport Tree Commission Revolving Fund.

FURTHER: that expenditures from said fund shall be made by the Newburyport Tree Warden, with the approval of the Mayor, and in consultation with the Newburyport Tree Commission. The Newburyport Tree Commission shall also advise the Tree Warden and other City officials in all areas described in the Newburyport Code of Ordinances, Chapter 12: Article VI: Protection of Public Trees, Chapter 12-172.

Submitted by:

---

Charles Tontar  
Chair, Budget and Finance Committee



# CITY OF NEWBURYPORT

## FINANCE DEPARTMENT

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 JAN 21 A 11:53

**DONNA D. HOLADAY**  
MAYOR

**WILLIAM B. SQUILLACE**  
FINANCE DIRECTOR

NEWBURYPORT CITY HALL

60 PLEASANT STREET

NEWBURYPORT, MA 01950

TEL: 978.465.4404

FAX: 978.462.3257

BSQUILLACE@CITYOFNEWBURYPORT.COM

TO: MAYOR DONNA D. HOLADAY, CITY COUNCIL PRESIDENT  
THOMAS O'BRIEN, AND MEMBERS OF THE  
CITY COUNCIL

FROM: WILLIAM B. SQUILLACE, FINANCE DIRECTOR

DATE: JANUARY 14, 2014

RE: TREE COMMISSION REVOLVING FUND

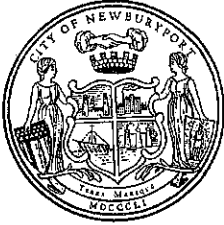
The Newburyport Tree Commission was formally established in 2012 by the City Council. Prior to this time, there was no formal structure for the group of concerned citizens who advocated for the planting and maintenance of City trees. This group was referred to as the "Tree Committee".

Over the years, this Committee worked with the DPS and City Tree Warden to carry out their stated mission. In 2004, the Committee saw a need for an outside funding source that would aid the City in its ability to care for trees without depending solely on City funds. At that time, the then Chairperson of the Tree Committee, Hugh Kelleher, donated \$100 to start this fund that could be used to promote tree related activities throughout the City.

This donation account has grown since 2004 and currently has a balance of \$15,710. The fund balance is comprised of donations, community preservation funds, insurance proceeds, and restitution from entities that have damaged City trees. At this time, the donation account has grown beyond its original scope and a Revolving Fund would be a more appropriate and comprehensive way to manage these funds. In addition, all revolving funds must be re-authorized each fiscal year by the Mayor and City Council, with the annual spending limits being set as well at that time creating a check on the use of those funds.

Attached is the proposed order to create the Newburyport Tree Commission Revolving Fund. Please contact me if you have any questions. I will look forward to further discussions within the Budget and Finance Committee and full City Council.

# CITY OF NEWBURYPORT



---

IN CITY COUNCIL

ORDERED:

January 21, 2014

**THAT, The CITY COUNCIL of the City of Newburyport** accepts with gratitude the gift in the amount of \$2,314.00 from Ken Jackman, 114 High Street resident, for the purchase and installation of four cast iron bollards on the sidewalk at the northwest corner of the intersection of State Street and High Street.

---

Councillor Robert J. Cronin

Councillor Ari B. Herzog



Kenneth Jackman  
114 High Street  
Newburyport, MA 01950

November 20, 2013

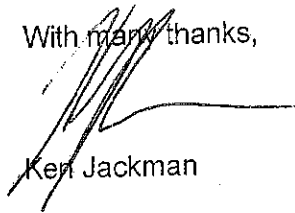
Dear Newburyport City Council,

I am writing to thank you for the quick action taken by the Traffic Safety Advisory Committee in approving the installation of four bollards at the corner of High Street and State Street.

When I addressed the October 28th City Council meeting on this issue, I pledged that if the City of Newburyport agreed to install bollards at this corner, I would donate half the cost of four cast iron Newburyport style bollards to be used for this purpose. This architectural style of bollard ensures the installation would be in keeping with the historic character of the downtown area we all cherish. Enclosed is a check for my gift to the City of Newburyport in the amount of \$2,314, to be used for this purpose. This amount is half of the \$4,628 delivered cost of four cast iron bollards that will exactly match the historic Newburyport style bollards across High Street at the courthouse on Bartlett Mall.

I would like to acknowledge the exceptional work of Peter Lombardi, Ari Herzog, Bob Cronin, Anthony Furnari, Andrew Lafferty and the Traffic Safety Advisory Committee in responding so quickly to this pedestrian safety concern, and I thank them on behalf of citizens and visitors who walk this busy corner for the action they have taken to ensure these bollards are installed in advance of the winter season.

With many thanks,



Ken Jackman

Encl: Check #410 - \$2,314

## CITY OF NEWBURYPORT



---

IN CITY COUNCIL

ORDERED:

January 27, 2014

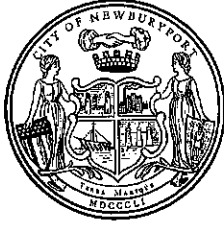
**THAT** the City Council of the City of Newburyport accepts with gratitude the gift in the amount of \$2,000 from the Rotary Club of Newburyport for beautification of the Newburyport Roundabout at the corners of Moseley Avenue, Spofford Street, and Merrimac Street.

---

Councillor Charles F. Tontar

## ORDINANCES

CITY OF NEWBURYPORT



\_\_\_\_\_  
IN CITY COUNCIL

January 27, 2014

ORDERED:

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND  
MOTOR VEHICLES

Chapter 13    Traffic and Motor Vehicles  
Article 4     Specific Street Schedules  
Division 6    Stopping, Standing and Parking  
Sec. 13-168.   Parking restricted on certain streets.

No person shall park any vehicle on the following streets or portions of streets as indicated below:

**Street**

Franklin Street

**Extent**

No parking Westerly side only of Franklin Street from the property line between 10 Franklin Street and 6 Franklin Street and running in a northerly direction to Water Street.

\_\_\_\_\_  
Councillor Allison Heartquist

# CITY OF NEWBURYPORT



\_\_\_\_\_  
IN CITY COUNCIL

ORDERED:

January 21, 2014

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

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

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

*Add:*

*(g)(2) by adding the following street or portions thereof to Zone 2:*

Fair Street between Water Street and Liberty Street

\_\_\_\_\_  
Councillor Jared J. Eigerman

**A ZONING ORDINANCE ESTABLISHING AN INTERIM DEMOLITION CONTROL  
OVERLAY DISTRICT**

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

***Zoning Ordinance Amendment:***

**APPENDIX A: ZONING ORDINANCE OF THE CITY OF NEWBURYPORT**

**SECTION XXVIII: INTERIM DEMOLITION CONTROL OVERLAY DISTRICT**

Appendix A to the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended by adding a new section, to be numbered Section XXVIII, which reads as follows:

**SECTION XXVIII: INTERIM DEMOLITION CONTROL OVERLAY DISTRICT**

- XXVIII-A Determinations.**
- XXVIII-B Purposes.**
- XXVIII-C Establishment.**
- XXVIII-D Definitions.**
- XXVIII-E Procedure and criteria.**
- XXVIII-F *De facto* demolition.**
- XXVIII-G Severability.**

**XXVIII-A Determinations.**

---

The city hereby determines all of the following:

1. The architectural, cultural, economic, political and social history of the City of Newburyport is one of its most valued and important assets.
2. The city's history is partly embodied in the federal and state Newburyport Historic District, which was listed on the National Register of Historic Places and the State Register of Historic Places on August 2, 1984.
3. Newburyport set a national precedent by using urban renewal funds for historic rehabilitation and preservation. The consequent revitalization of downtown catalyzed a renaissance for the entire city, including its neighborhoods.
4. The preservation, rehabilitation and enhancement of the city's historic character is critical to the preservation of the city's heritage and land values, its recently state-approved Cultural District, and otherwise to benefit the general welfare of its citizens and property owners.
5. Outside of the single block of the Fruit Street Local Historic District, established under Chapter 16 of the Newburyport Code, no city ordinance currently prevents even the complete demolition of an historic building or structure located in Newburyport.

6. On the 250<sup>th</sup> anniversary of the setting off from the Town of Newbury of the “water-side” as the new Town of Newburyport, Mayor Donna D. Holaday has directed the Office of Planning Development to undertake a comprehensive review and update of the city’s master plan and zoning ordinance.

7. Until such comprehensive review and update is completed, there will continue to be limited regulatory protections for historic buildings and structures in its neighborhoods. Meanwhile, land prices are sufficiently strong in Newburyport to make it economically rational to demolish and replace historic buildings and structures.

8. Therefore, the city adopts these interim land use controls for an area coterminous with that portion of the federal Newburyport Historic District outside of downtown. As part of the comprehensive review and update of the city’s master plan and zoning ordinance, it is anticipated that this section shall be reviewed, and may be amended and/or replaced by permanent controls.

---

#### **XXVIII-B Purposes.**

An Interim Demolition Control Overlay District (IDCOD) and IDCOD special permit (IDCOD-SP) shall be established due to the unique land use pattern, and architectural, cultural, economic and cultural character of the buildings, structures and lots, both individually and as a group, that are located in historic residential neighborhoods of the city. This section is intended to encourage implementation of the recommendations of the city’s 1991 Historic Preservation Plan, 2001 Master Plan and 2003 Waterfront Strategic Plan, all as amended and supplemented from time to time, and otherwise to promote the health, safety, convenience and general welfare of the inhabitants of the City of Newburyport, by, among other things protecting the land use pattern, and architectural, cultural, economic, political and social heritage of the city through the regulation of proposed demolition of historic buildings and structures located in residential neighborhoods of the city, which will help to maintain and perpetuate the established skills of local architects, craftspeople and tradespeople, promote energy efficiency, smart growth and affordable housing through adaptive reuse, and enhance opportunities for cultural tourism.

---

#### **XXVIII-C Establishment.**

The IDCOD is hereby established as an overlay district coterminous with the boundaries of the state and federal Newburyport Historic District with the exclusion of the FSOD (Section XXII), the WWOD (Section XXIV), the TCROD (Section XXV) and the IDOD (Section XXVII), all as they existed of the effective date of this section, and as specifically shown on the city’s zoning map.

1. **Underlying zoning.** Within the IDCOD, all the other provisions of the zoning ordinance, including, but not limited to, those specific to any underlying districts, shall remain in full force and effect except to the extent that the provisions of this section apply, in which case all such provisions shall apply together. To the extent that there is a conflict between other provisions of the zoning ordinance and of this section, then the provisions of this section shall control.

2. **SPGA.** Consistent with Subsection XXVII-E, the zoning board of appeals shall serve as the special permit granting authority (SPGA) in administering this section.

3. **No Demolition Delay.** The provisions of Article X of Section 5 of the Newburyport Code (Building Demolition) shall not apply to any demolition subject to this section.

#### **XXVIII-D Definitions.**

---

1. **Demolition:** The act, whether partial or complete, of: (a) pulling or tearing down, razing or otherwise destroying; or (b) moving from one portion of a lot to another, or from one lot to another, regardless of the where the receiving lot is located.

2. **Demolition of a Building or Structure:** Demolition of more than twenty-five percent (25%) of the surface of all external walls of a building or structure, regardless of their visibility from a street, way, or public body of water.

3. **Historic Building or Structure:** A building or structure that is listed on the State and National Registers of Historic Places, or that contributes to the Newburyport Historic District, listed on the State and National Registers of Historic Places on August 2, 1984, as amended.

4. **Zoning Ordinance, this:** The Zoning Ordinance of the City of Newburyport, Massachusetts.

#### **XXVIII-E Procedure and criteria.**

---

Demolition of an historic building or structure within the IDCOD shall require the owner of the relevant property to submit an application for an IDCOD-SP. The zoning board of appeal shall act as the special permit granting authority (SPGA) for purposes of this section, and it shall review and may deny, approve, or approve with conditions all applications hereunder in accordance with the procedures listed in Subsection X-H.8. The SPGA shall approve an IDCOD-SP if the SPGA determines that the proposed demolition as described in the application meets all the requirements of this section and, in addition, the special permit criteria of Subsection X-H.7.

1. **U.S. Secretary of the Interior's Standards:** In reviewing an IDCOD-SP application, the SPGA shall consider any relevant provisions of the United States Secretary of the Interior's "Standards for the Treatment of Historic Properties With Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings," as they may be amended from time to time.

2. **Demolition Generally Prohibited.** The intent of this section is to prevent the demolition of historic buildings and structures located within the IDCOD. Accordingly, such historic buildings and structures shall be preserved and repaired, rather than demolished, whenever reasonably feasible, except as otherwise allowed under this subsection. It is recognized, however, that structural deterioration, economic hardship, and other factors not entirely within the control of the owner may lead the SPGA to approve demolition.

3. **Required Findings.** The SPGA may approve demolition of an historic building or structure only if it makes written findings based upon substantial evidence in the record that such historic building or structure retains no substantial remaining market value or reasonable use, taking into account the cost of rehabilitation to meet the requirements of the State Building Code, or other



applicable laws. Costs necessitated by any new construction, alteration or demolition conducted in violation of this section shall not be included in the calculation of rehabilitation costs. To aid the SPGA in its review, the owner shall pay all costs for the SPGA to engage a properly licensed architect or engineer to investigate and report upon the existing condition and feasibility of preservation of the historic building or structure proposed for demolition.

**4. Documentation Before Demolition:** Where the SPGA approves or approves with conditions an IDCOD-SP, the SPGA may require documentation of the historic building or structure to be demolished, including, but not limited to, photographs of elevations and details of specific exterior architectural features. If so required, such documentation shall be completed and submitted to the Newburyport Historical Commission before demolition may commence.

**5. Unauthorized Demolition.** Without prior written approval by the SPGA, no building permit shall be issued for a period of three (3) years with respect to any premises at which an historic building or structure has been intentionally demolished without an IDCOD-SP having been first obtained in compliance with this section. Such three- (3-) year period shall commence after the date upon which such demolition has been completed or suspended, whether voluntarily or by legal compulsion. For purposes of this subsection, "premises" shall mean both (a) the lot upon which the demolished historic building, structure or architectural feature was located, and (b) all abutting lots under common ownership or control of such lot at the time of demolition.

#### **XXVII-F *De facto* demolition.**

---

Notwithstanding anything in this zoning ordinance to the contrary, the owner of an historic building or structure located within the IDCOD shall not allow such building or structure to fall into a state of disrepair of such a degree that causes, or tends to cause, a significant reduction in market value or reasonable use, including, but not limited to, disrepair resulting from:

1. The significant deterioration of exterior walls or other vertical supports;
2. The significant deterioration of roofs or other horizontal members;
3. The significant deterioration of chimneys;
4. The significant deterioration or crumbling of exterior siding, masonry or mortar; or
5. The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors.

Accordingly, owners of historic buildings and structures located within the IDCOD shall take all reasonably necessary precautions to prevent *de facto* demolition of such buildings and structures by neglect of maintenance and repairs.

#### **XXVII-G Severability.**

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The provisions of this section are severable. If any of its provisions, sections, subsections, paragraphs, sentences, or clauses, or the application thereof to any person, entity, establishment, or

circumstances shall be held to be invalid or unconstitutional by any court of competent jurisdiction, then the remainder of this section shall continue to be in full force and effect.

---

Councillor Jared J. Bigerman

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

**ORDERED:**

**A ZONING ORDINANCE REGARDING OFF-STREET PARKING REGULATIONS**

2014 JAN 21 A 9:02

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

***Zoning Ordinance Amendment:***

**APPENDIX A: ZONING ORDINANCE OF THE CITY OF NEWBURYPORT**

**SECTION VII: PARKING**

**VII-A. OFF-STREET PARKING REGULATIONS.**

Delete Section VII-A in its entirety, and replace said section with the following text:

**VII-A. Off-street parking regulations.**

*Required parking for new uses or development.* No use of any premises shall be authorized or extended, and no building or structure shall be erected, extended or enlarged, unless dedicated off-street parking is provided for such authorization, erection, extension or enlargement, as provided herein. For purposes of this section, the term "parking facility" shall mean any parking lot or parking structure. Except as otherwise provided under Section XXIV, all required off-street parking spaces shall be provided as follows:

- (1) *New uses or development generally.* For any new uses or development, the required number of parking spaces serving a principal building, structure or use shall be provided in one or more of the following locations, by right:
  - (a) On the same lot as the principal building, structure or use; and
  - (b) Within a private parking facility at a different lot than the principal building, structure or use, but no more than three hundred (300) feet distant.
- (2) *Off-site private parking facilities.* When any required parking spaces serving a principal building, structure or use are provided at a private parking facility located at another lot, the owner of such principal building, structure or use shall provide to the inspector of buildings, for his or her reasonable review and approval, a lease or easement of adequate duration for such off-site parking, in executable and recordable form.
- (3) *Distance measurements.* For the purposes of determining the distance between a principal building, structure or use and required parking located at a different lot, the measurement shall be taken in a straight line from the lot line of the principal building, structure or use that is nearest to nearest lot line of the off-site parking facility.
- (4) *Mixed uses.* In the event that a lot features more than one principal building, structure or use, the required number of parking spaces serving all such principal buildings, structures or uses shall be the sum total of the requirements for each principal building, structure or use.

- (5) *Dimensions.* Exclusive of driveways or aisles, each required parking space shall have an area at least eighteen- (18-) feet deep by nine -(9-) feet wide. The minimum aisle width for ninety- (90-) degree parking shall be twenty-four (24) feet for two-way traffic and thirteen (13) feet for one-way traffic. Parking spaces angled at fewer than ninety (90) degrees and greater than forty-five (45) degrees that require an aisle, shall have a one-way aisle with a minimum width of eighteen (18) feet. Parking spaces angled at no more than forty-five (45) degrees that requires an aisle shall have a one-way aisle with a minimum width of thirteen (13) feet.
- (6) *Surfacing.* All unenclosed, off-street parking spaces, shall be treated with a surface binder, or feature gravel or a crushed-stone surface.
- (7) *New uses or development in the Interim Downtown Overlay District (IDOD).*
  - (a) *Off-site municipal facilities.* For any new uses or development at lots located within the Interim Downtown Overlay District (IDOD) established under Section XXVII, required parking serving a principal building, structure or use may be provided entirely or in part at a municipal parking facility that is also located within the IDOD and no more than one thousand (1,000) feet distant, provided that (i) the planning board as special permit granting authority (SPGA) authorizes such off-site location, and (ii) the owner pays into the Off-Site Public Parking Mitigation (OPPM) Fund.
  - (b) *Shared parking.* Alternatively or in addition, the planning board as SPGA may authorize the shared use of one or more parking spaces by different principal buildings, structures or uses located within the IDOD, whether at the same or different lots within the IDOD, provided that the SPGA determines that such principal buildings, structures or uses have different peak times of parking demand, based upon the report a qualified traffic engineer engaged by the SPGA at the sole cost of the owner.
  - (c) *Numerical, dimensional and surfacing relief.* Alternatively or in addition, the planning board as SPGA may authorize reductions in or other alterations to the numerical, dimensional, and surfacing standards for required parking in the IDOD, whether such parking is located on or off site.
  - (d) *Special permit findings.* Consistent with this subsection, the SPGA shall approve a special permit to allow the provision of required parking at municipal parking facilities, shared parking, and/or relief from otherwise required numerical, dimensional and surfacing standards, if the SPGA determines that the proposed parking arrangement described in the application meets all the special permit criteria of Subsection X-H.7, in consideration of all of the following factors:
    - (i) The current capacity, location, and intensity of use of any relevant off-site parking facilities;
    - (ii) The efficient use of existing parking facilities within the IDOD;
    - (iii) The relief of traffic and parking congestion in the IDOD;
    - (iv) The provision of reasonable access either by walking distance or shuttle vehicle arrangements; and

- (v) The maintenance of the character and integrity of the IDOD.
- (e) *Off-Site Public Parking Mitigation (OPPM):* The city shall establish and administer a dedicated municipal revenue fund, called the OPPM Fund, whose purpose is to help fund operations, maintenance and improvements necessitated by the use of municipal parking facilities by new buildings, structures or uses in the IDOD, in order, among other things: (i) to facilitate the shared use of municipal parking facilities to preserve and thereby conserve land area in the IDOD for non-parking uses, and thereby preserve and promote the existing character and integrity of the IDOD; (ii) to offset impacts from new buildings, structures or uses upon the availability of off-street parking spaces in municipal parking facilities; and (iii) to offset increases in the cost of operating and maintaining municipal parking facilities that are attributable to the use of such facilities by new buildings, structures and uses.
  - (i) Recognizing the particular intermodal transportation and parking needs of the IDOD, and as part of the special permit process, the SPGA may allow an unmet parking need credit (UPNC) for a principal building, structure or use within the IDOD to be applied and deposited in the OPPM Fund as a fee to meet the parking requirements of this subsection. As provided herein, the UPNC may only be requested by the owner of a principal building, structure or use located within the IDOD and no more than one thousand (1,000) feet from a municipal parking facility. The SPGA shall calculate and impose the UPNC as part of the special permit process to allow required parking at a municipal parking facility.
  - (ii) The UPNC Fee shall be calculated by multiplying the number of required parking spaces for the principal buildings, structures or uses to be provided at a municipal parking lot by the rate of ten thousand dollars (\$10,000.00) per required parking space, and at a municipal parking structure by the rate of twenty-five thousand dollars (\$25,000.00) per required parking space. The rates are intended to offset the city's reasonable cost to construct new parking facilities of each type, and to maintain them for a period of thirty (30) years.
  - (iii) Prior to the issuance of a building permit for a principal building, structure or use a portion of whose required parking is provided at a municipal parking facility under this subsection, the owner of such principal building, structure or use shall deposit the total dollar amount due for its UPNC Fee in the OPPM Fund as a one-time mitigation fee. As duly authorized by the city council, all funds deposited in the OPPM Fund shall be used to support operations, maintenance and improvements that are directly necessitated by use of municipal parking facilities by new uses or development.

---

Councillor Jared J. Eigerman

**Current text of**

Zoning Ordinance of the City of Newburyport, Section VII: Parking, VII-A. Off-street parking regulations.

**VII-A. Off-street parking regulations.**

*New uses or development:* No use of any premises shall be authorized or extended and no building or structure shall be erected or enlarged, unless on-site or off-site parking is provided for such extension, erection, or enlargement, as provided herein. Any outdoor parking spaces shall be treated with a surface binder, gravel or crushed stone surface. Except as otherwise provided under section XXIV or, alternatively, through a special permit from the city council as set forth below, all parking spaces shall be provided as follows:

- (1) For non-residential uses parking spaces may be (i) on site; (ii) off-site within a private parking lot or a private parking structure within 300 feet of the principal building, structure or use on the premises; (iii) off-site within a municipal parking lot within three hundred (300) feet of the principal building, structure or use on the premises; or (iv) by special permit from the city council, off-site within a municipal parking structure within five hundred (500) feet of the principal building, structure or use on the premises.
- (2) For residential uses parking spaces may be (i) on-site; (ii) off-site within a private parking lot or a private parking structure within three hundred (300) feet of the principal building, structure or use on the premises; or (iii) by special permit from the city council within a municipal parking lot within three hundred (300) feet of the principal building, structure or use on the premises.

When a private lot or parking structure is proposed to satisfy the parking requirements, a recordable lease or easement of adequate duration must be provided to the permit granting authority.

The foregoing provisions regarding off-site parking are summarized in the following table:

|                                                                                            | Private Parking Lot                          | Private Parking Structure                    | Municipal Parking Lot            | Municipal Parking Structure      |
|--------------------------------------------------------------------------------------------|----------------------------------------------|----------------------------------------------|----------------------------------|----------------------------------|
| Residential use (principal building, structure or use within three hundred (300) feet)     | By right, with evidence of lease or easement | By right, with evidence of lease or easement | Special permit from city council | NP                               |
| Non-residential use (principal building, structure or use within three hundred (300) feet) | By right, with evidence of lease or easement | By right, with evidence of lease or easement | By right                         | See below                        |
| Non-residential use (principal building, structure or use within five hundred (500) feet)  | NP                                           | NP                                           | NP                               | Special permit from city council |

For the purposes of determining the distance requirement for off-street parking, the measurement shall be taken in a straight line from the appropriate lot line of the off-street parking lot or parking structure to the associated principal building, structure or use on the premises.

**Current text of**

Zoning Ordinance of the City of Newburyport, Section VII: Parking, VII-A. Off-street parking regulations.

In the event a development of more than one building is comprised of more than one use, the parking requirement shall be the sum total of the requirements for the individual uses; however, "shared" reduced parking requirements may be allowed by a special permit granted by the planning board for uses having different peak times of parking demand requirements as determined based on the report of a traffic engineer engaged by the applicant and approved by the planning board.

*Dimensional requirements:* Exclusive of driveways or aisles, an area consisting of eighteen (18) feet by nine (9) feet shall be considered as one off-street parking space. The minimum aisle width for ninety-degree parking shall be twenty-four (24) feet for two-way traffic. Angle parking shall require a one-way traffic aisle with an eighteen-foot aisle width for sixty-degree parking and thirteen (13) feet for forty-five-degree parking.

*Use of municipal lots or structures:* The city council shall act as special permit granting authority (SPGA) for the purposes of permitting use of municipal parking lots for residential uses or municipal parking structures for qualified non-residential uses. The provisions of this section shall take effect upon completion of construction of a municipal parking structure.

The use of municipal parking lot(s) is permitted for all non-residential uses that are allowed by-right. The use of a municipal parking structure(s) for residential uses excepting hotel/inn is not permitted. The special permit for use of a municipal parking structure shall require both compliance with the requirements of the intermodal transportation improvement fund (ITIF) and a determination that the requested use is essential and/or desirable to the public convenience or welfare.

*Intermodal transportation improvement fund (ITIF):* Within the business II, III, and WMU district, the city's policy shall be to create a dedicated municipal revenue fund whose purpose is to provide for necessary funding to support transportation related improvements that are necessitated by use of municipal parking structures by non-residential uses. The improvements necessitated by such uses are intended: to increase the supply of available public parking spaces which would otherwise be available if not for use of the municipal parking structures by such non-residential users; to allow for related improvements that are necessitated by the use of municipal parking structures by such non-residential users; and to pay for increases in the cost of operating and maintaining municipal parking structures which said costs can be directly attributed to the use of the municipal parking structures by such non-residential users. It is intended that all property owners within these districts that request a special permit from the SPGA to utilize a municipal parking structure to meet their off-street parking requirements shall meet the requirements of this section.

Recognizing the particular intermodal transportation and parking needs of these districts, the SPGA may allow an unmet parking need credit (UPNC) to be applied and deposited in the ITIF as a method of meeting the parking requirements of section VII for non-residential uses. As provided in this section, the UPNC may only be requested by a property owner of a non-residential use within five hundred (500) feet of an off-street municipal parking structure(s). Applications shall be administered by the SPGA as part of the special permit process and calculated using the table listed in the intermodal transportation improvement fund.

To calculate this credit, any unmet parking need shall be calculated by multiplying the required unmet parking need by a rate of five thousand dollars (\$5,000.00) per space. Prior to the issuance of a building permit, the resulting dollar amount shall then be deposited in the ITIF. The ITIF shall be used within the districts to provide support for transportation related improvements cited above, operations and shall be controlled and administered by the city council. The use of funds collected under this ITIF limited to the above noted improvements or such other improvements that are directly necessitated by use of municipal parking structures by non-residential uses.

(Ord. of 1-29-90; Ord. of 9-14-92; Ord. of 4-28-97; Ord. of 2-14-05, § C(1); Ord. of 6-13-05(2))

**A ZONING ORDINANCE ESTABLISHING THE INTERIM DOWNTOWN OVERLAY DISTRICT**

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

***Zoning Ordinance Amendment:***

**APPENDIX A: ZONING ORDINANCE OF THE CITY OF NEWBURYPORT**

**SECTION XXVII: INTERIM DOWNTOWN OVERLAY DISTRICT (IDOD)**

Appendix A to the Code of Ordinances, City of Newburyport, Massachusetts, is hereby amended by adding a new section, to be numbered Section XXVII, which reads as follows:

**SECTION XXVII: INTERIM DOWNTOWN OVERLAY DISTRICT (IDOD)**

- XXVII-A Determinations.**
- XXVII-B Purposes.**
- XXVII-C Establishment.**
- XXVII-D Definitions.**
- XXVII-E Exclusions.**
- XXVII-F Procedure and criteria.**
- XXVII-G Historic masonry.**
- XXVII-H *De facto* demolition.**
- XXVII-I Severability**

**XXVII-A Determinations.**

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The city hereby determines all of the following:

1. The architectural, cultural, economic, political and social history of the City of Newburyport is one of its most valued and important assets.
2. The city's history is partly embodied in the federal and state Newburyport Historic District, which was listed on the National Register of Historic Places and the State Register of Historic Places on August 2, 1984. On that date, the federal and state Newburyport Historic District subsumed the smaller Market Square Historic District, which had been listed on the National Register and the State Historic Register on February 25, 1971.
3. Downtown Newburyport includes one of the last seaport business districts remaining from the golden days of New England shipping. The former Market Square Historic District is located entirely within downtown Newburyport, and downtown is located entirely within the federal Newburyport Historic District.
4. In 1960, the city established the Newburyport Redevelopment Authority (NRA), whose charge was to revitalize what was then a deteriorated downtown. During much of the 1960s, the prevailing viewpoint, as expressed in a 1964 *The Daily News* article, was that the city's historic buildings downtown were "lost years ago to the elements and are now beyond repair." An early



plan called for wholesale demolition of 22 acres downtown and on the central waterfront. Most demolition was completed on the central waterfront. By 1968, 67 buildings had been demolished.

5. In response to objections to demolition of historic buildings by dedicated and concerned citizens, most notably certain members of the Historical Society of Old Newbury, and through the efforts of Mayors George H. Lawler and Byron J. Matthews, the NRA amended its urban renewal plan to facilitate historic preservation. After a public hearing in 1970, the necessary city and state approvals were obtained, the Newburyport Historical Commission submitted an application for an Historic District, and the NRA filed a grant application to the U.S. Department of Housing and Urban Development (HUD) for funding to rehabilitate and preserve historic buildings downtown. After initially rejecting the application, HUD approved such funds in 1971, as a result of the listing of the Market Square Historic District.

6. During the following decades, NRA's Urban Renewal Plan for downtown required the rehabilitation and preservation of historic buildings subject to its control. Thereby, Newburyport set a national precedent by using urban renewal funding for historic rehabilitation and preservation. The consequent revitalization of downtown catalyzed a renaissance for the entire city.

7. The NRA's Urban Renewal Plan for downtown expired in 2005. It no longer has any regulatory effect, and deed restrictions placed on historic buildings formerly subject to that plan to ensure their preservation are now unenforceable. At present, no city ordinance can prevent even the complete demolition of an historic building or structure in downtown Newburyport.

8. On the 250<sup>th</sup> anniversary of the setting off from the Town of Newbury of the "water-side" as the new Town of Newburyport, Mayor Donna D. Holaday has directed the Office of Planning Development to undertake a comprehensive review and update of the city's master plan and zoning ordinance. Until such comprehensive review and update is completed, there will continue to be limited regulatory protections for the historic buildings and structures downtown.

9. The preservation, rehabilitation and enhancement of the city's historic downtown is critical to the preservation of the city's heritage and land values, its recently state-approved Cultural District, and otherwise to benefit the general welfare of its citizens and property owners.

10. Therefore, the city adopts these interim downtown land use controls. As part of the comprehensive review and update of the city's master plan and zoning ordinance, it is anticipated that this section shall be reviewed, and may be amended and/or replaced by permanent controls.

## **XXVII-B Purposes.**

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An Interim Downtown Overlay District (IDOD) and IDOD special permit (IDOD-SP) shall be established due to the unique land use pattern, and architectural, cultural, economic and cultural character of the buildings, structures and lots, both individually and as a group, that are located in downtown Newburyport. This section is intended to encourage implementation of the recommendations of the city's 1991 Historic Preservation Plan, 2001 Master Plan and 2003 Waterfront Strategic Plan, all as amended and supplemented from time to time, and otherwise to promote the health, safety, convenience and general welfare of the inhabitants of the City of Newburyport, by, among other things protecting the land use pattern, and architectural, cultural,

economic, political and social heritage of the city through the rehabilitation, preservation and enhancement of its historic downtown, which will help to maintain and perpetuate the established skills of local architects, craftspeople and tradespeople, promote energy efficiency, smart growth and affordable housing through adaptive reuse, and enhance opportunities for cultural tourism.

#### **XXVII-C Establishment.**

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The IDOD is hereby established as an overlay district generally bounded by High Street, Fruit Street (but excluding the Fruit Street Historic District established under Chapter 16 of the Newburyport Code), Fair Street, a line extended from the terminus of Fair Street at Merrimack Street to the Merrimack River, the high-water line of the Merrimack River, Somerby Landing, Merrimac Street, Market Street, Washington Street, and Green Street, and as specifically shown on the city's zoning map.

1. **Underlying zoning.** Within the IDOD, all other the provisions of the zoning ordinance, including, but not limited to, those specific to any underlying districts, shall remain in full force and effect except to the extent the provisions of this section apply, in which case all such provisions shall apply together. To the extent that there is a conflict between other provisions of the ordinance and of this section, then the provisions of this section shall control.

2. **SPGA.** Consistent with Subsection XXVII-F, the planning board shall serve as the special permit granting authority (SPGA) in administering both this section and any other provisions of this ordinance that apply within the IDOD and require action by an SPGA.

3. **No Demolition Delay.** The provisions of Article X of Section 5 of the Newburyport Code (Building Demolition) shall not apply within the IDOD.

#### **XXVII-D Definitions**

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1. **Addition:** An extension or increase in total floor area, footprint, building height, or lot coverage.

2. **Aggregate, Approved Amount of Development:** The total amount of development authorized by a particular IDOD-SP, regardless of how such development is measured or described, including, but not limited to, by gross floor area, or number dwelling units, seats or hotel rooms.

3. **Alteration:** Any addition, change, enlargement, expansion, maintenance, rebuilding, reconstruction, repair, restoration, replication or other similar work.

4. **Construction, to Construct:** The act or the fact of building, erecting, installing or other similar activities.

5. **Demolition, to Demolish:** The act, whether partial or complete, of: (a) pulling or tearing down, razing or otherwise destroying; or (b) moving from one portion of a lot to another, or from one lot to another, regardless of where the receiving lot is located.

6. **Demolition of a Building or Structure:** Demolition of more than twenty-five percent (25%) of the surface of all external walls of a building or structure, regardless of their visibility from a street, way, or the Merrimack River.
7. **Exterior Architectural Feature:** Any feature of the exterior of a building or structure that is open to view from any street, way, or the Merrimack River. Exterior architectural features may include, but are not limited to, the architectural style and general arrangement and setting thereof, the kind and texture of exterior building materials, and the type and style of windows, doors, lights, chimneys, signs, dormers and other appurtenant exterior fixtures.
8. **Historic Building, Structure, or Exterior Architectural Feature:** A building or structure that is listed on the State and National Registers of Historic Places, or that contributes to the Newburyport Historic District, listed on the State and National Registers of Historic Places on August 2, 1984, as amended, or any character-defining exterior architectural feature of such building or structure.
9. **Historic Masonry:** An historic exterior architectural feature of brick or masonry material.
10. **Ordinary Maintenance, Repair or Replacement:** Alteration that does not involve any material change in the design, construction materials or outward appearance of the exterior architectural feature so altered, with the express exception of any maintenance and repair of historic masonry, which is regulated under Subsection XXVII-H.
11. **Temporary Building or Structure:** (a) Any building or structure designed or intended to be, or actually, in existence for a period of no more than twelve (12) months; or (b) any temporary sign as that term is defined in Subsection VIII-B.
12. **Zoning Ordinance, this:** The Zoning Ordinance of the City of Newburyport, Massachusetts.

#### **XXVII-E Exclusions.**

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Consistent with the city's intent for the IDOD under Subsection XXVII-A, an IDOD-SP shall not be required for any of the following categories of work, which are hereby excluded from review by the SPGA under this section:

1. Any ordinary maintenance, repair or replacement;
2. Any alteration or demolition of a building, structure or exterior architectural feature that is not also an historic building, structure or exterior architectural feature;
3. Any new construction, alteration or demolition of a temporary building or structure.
4. Any landscaping with plants, trees or shrubs;
5. Any work undertaken to meet requirements certified by a duly authorized public officer to be necessary for public safety because of an unsafe or dangerous condition; and

6. Any rebuilding, reconstruction, restoration or replication of an historic exterior architectural feature that has been damaged or destroyed by fire, storm or other disaster, provided that both of the following conditions are satisfied: (a) the result of such work is substantially the same in design, material and outward appearance as the damaged or destroyed historic exterior architectural feature; and (b) such work commences within two years after such catastrophe, or three years if extended upon good cause shown in a written request granted by vote of the SPGA.

#### **XXVII-F Procedure and criteria.**

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Unless an exclusion applies pursuant to Subsection XXVII-E, all new construction, alteration or demolition within the IDOD shall require the owner of the relevant property to submit an application for a IDOD-SP, or an amendment to an approved IDOD-SP, for the SPGA to approve such new construction, alteration or demolition. The planning board shall act as the special permit granting authority (SPGA) for purposes of this section, and it shall review and may approve, approve with conditions, or deny all applications hereunder in accordance with the procedures listed in Subsection X-H.8. The SPGA shall approve an IDOD-SP if the SPGA determines that the proposed new construction, alteration or demolition as described in the application meets all the requirements of this section and, in addition, the special permit criteria of Subsection X-H.7.

1. **Streamlining and Harmonization.** For the purposes of streamlining and harmonizing regulatory review by the city of proposed work subject to this zoning ordinance, and notwithstanding anything in this zoning ordinance to the contrary, the planning board shall serve as the SPGA for any proposed work within the IDOD that requires action by an SPGA. If proposed work is subject to Site Plan Review under Section XV, then the SPGA shall conduct IDOD-SP review in conjunction with Site Plan Review whenever reasonably possible.

2. **U.S. Secretary of the Interior's Standards:** In reviewing a IDOD-SP application, or an amendment to an approved IDOD-SP, the SPGA shall consider any relevant provisions of the United States Secretary of the Interior's "Standards for the Treatment of Historic Properties With Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings," as they may be amended from time to time.

3. **Criteria for Demolition:**

a. **Demolition Generally Prohibited.** The intent of this section is to prevent the demolition of historic buildings, structures and exterior architectural features located within the IDOD. Accordingly, such historic buildings, structures and exterior architectural features shall be preserved and repaired, rather than demolished, whenever reasonably feasible, except as otherwise allowed under this subsection. It is recognized, however, that structural deterioration, economic hardship, and other factors not entirely within the control of the owner may lead the SPGA to approve demolition.

b. **Demolition of Historic Buildings and Structures.** The SPGA may approve demolition of an historic building or structure only if it makes written findings based upon substantial evidence in the record that such historic building or structure retains no substantial remaining market value or reasonable use, taking into account the cost of rehabilitation to meet the requirements of the State Building Code, or other applicable laws.

Costs necessitated by any new construction, alteration or demolition conducted in violation of this section shall not be included in the calculation of rehabilitation costs. To aid the SPGA in its review, the owner shall pay all costs for the SPGA to engage a properly licensed architect or engineer to investigate and report upon the existing condition and feasibility of preservation of the historic building or structure proposed for demolition.

**c. Demolition of Historic Exterior Architectural Features:** Historic exterior architectural features shall be retained and repaired whenever reasonably feasible. If the SPGA determines that such features cannot reasonably be retained and repaired, then they shall be replaced in kind, both in design and materials, whenever reasonably feasible. Upon a written finding by the SPGA that the proposed demolition is of sufficient scope to justify the time and expense, the SPGA may require the owner to pay all costs for the SPGA to engage a properly licensed architect or engineer to investigate and report upon the existing conditions and feasibility of preservation of the relevant historic exterior architectural features.

**d. Replacement Must Be Approved:** When an owner seeks to obtain an IDOD-SP, or to amend an approved IDOD-SP, to demolish an historic building, structure or exterior architectural feature, the SPGA shall not approve an IDOD-SP to authorize such demolition without also having approved through an earlier or the same IDOD-SP the replacement building, structure or exterior architectural feature. In addition to the owner's submitting plans, specifications, and such other materials as are normally required by the SPGA to enable its review of new construction within the IDOD, the owner shall also submit a timetable and such guarantees and assurances for the completion of the replacement building, structure or exterior architectural feature as the SPGA may reasonably require.

**e. Documentation Before Demolition:** When the SPGA approves an IDOD-SP, or an amendment to an approved IDOD-SP, to allow demolition subject to this section, the SPGA may require documentation of the historic building, structure, or exterior architectural feature to be demolished, including, but not limited to, photographs of elevations and details of specific exterior architectural features. If so required, such documentation shall be completed and submitted to the Newburyport Historical Commission before demolition may commence.

**f. Unauthorized Demolition.** Without prior written approval by the SPGA, no building permit shall be issued for a period of three (3) years with respect to any premises at which an historic building, structure or exterior architectural feature has been intentionally demolished without an IDOD-SP having been first obtained in compliance with this section. Such three- (3-) year period shall commence after the date upon which such demolition has been completed or suspended, whether voluntarily or by legal compulsion. For purposes of this subsection, "premises" shall mean both (1) the lot upon which the demolished historic building, structure or architectural feature was located, and (2) all abutting lots under common ownership or control of such lot at the time of demolition.

#### 4. Criteria for New Construction and Alterations:

a. **New Construction and Alterations Generally Must Not Disrupt the IDOD.** New construction and alteration within the IDOD shall not disrupt the essential form and integrity of (i) the subject historic building, structure or exterior architectural feature, (ii) the lot where it is located, or (iii) its setting within the IDOD. Moreover, new construction and alteration within the IDOD shall be compatible with the size, scale, color, material, and character of the (x) subject historic building, structure or exterior architectural feature, (y) the lot where it is located, and (z) its setting within the IDOD.

i. New additions and other alterations to an historic building, structure or exterior architectural feature shall be designed so that if they were to be removed or reversed in the future, the essential form and integrity of the overall historic building or structure would be unimpaired.

ii. The SPGA shall review and may approve on a case-by-case basis proposed composite materials when used in custom design for alterations to an historic building, structure or exterior architectural feature that were unavailable when the subject historic building, structure or exterior architectural feature was originally constructed.

b. **Missing Exterior Architectural Features:** When replacing or restoring missing or significantly altered exterior architectural features that were original to an historic building or structure, or that were added later but during the building or structure's period of historic significance, such as storefronts, porches, or outbuildings, the approved design shall be based upon accurate documentation of the original or later historic feature. If no such documentation is available, the design shall be compatible in scale, proportions, material, and detail with the historic character of the building, structure or lot.

c. **Styles of New Construction and Additions:** The design of new construction and additions (as distinct from other alterations) within the IDOD may reflect non-historic styles so long as they remain compatible with the historic character of the subject historic building, structure and exterior architectural feature, its lot, and its setting within the IDOD. So long as new construction and additions are so compatible, the SPGA shall not require the reproduction of historic styles, and, on the contrary, shall encourage contemporary styles of architecture to aid differentiation of old from new.

d. **Windows:** Mirrored, tinted or heat-reflective glass or coatings, as well as interior applied or removable muntin bars, shall be prohibited. Otherwise, the SPGA shall review and may approve on a case-by-case basis alternatives to historic window materials. Parts of replacement windows, such as exterior molding and/or casing, exterior frames, and exterior sash windows shall match those of the historic windows whenever reasonably feasible. Muntins, whether structural or applied, shall have an exterior, three-dimensional profile, and a width appropriate to the architectural style of the historic building or structure. The SPGA shall review and may approve on a case-by-case basis all proposed new window openings in the façades of an historic building or structure to ensure that they are consistent with historically accurate window arrangements.

e. **Doors:** Replacement doors shall not incorporate leaded or stained glass except when replicating the original appearance of the historic building or structure. If part of a replacement door is glazed or has a window insert, such glazing or inserts shall include true or simulated divided lights. Mirrored, tinted or heat-reflective glass or coatings, as well as interior applied or removable muntin bars, shall be prohibited. Otherwise, the SPGA shall review and may approve on a case-by-case basis proposed new door openings in the façades of an historic building or structure on to ensure that they are consistent with historically accurate door arrangements. For historic buildings and structures other than single- or two-family residential buildings and structures, when the historic entrance will no longer be used, such historic entrance shall be left in place and secured, such that the alteration is reversible and the doorway can be reopened in the future with minimal work.

f. **Roofs, Dormers and Other Roof Features:** Roofing materials shall be compatible with the character of the IDOD, and the sense of the historic roof shapes and planes of an historic building or structure should be preserved. New skylights shall be constructed to minimize their visibility from any street, way, or the Merrimack River, and shall not be of curved plastic or bubble form. Historic chimneys, including, but not limited to, their historic dimensions and decorative brickwork patterns, shall be retained and repaired, regardless of the existence or usability of interior fireplaces. New or altered dormers shall be permitted if the SPGA finds that they will relate harmoniously to the historic form, proportions, and arrangement of windows and doors of the historic building or structure, and will be constructed in appropriately matching materials. Otherwise, the SPGA shall review and may approve on a case-by-case basis the proposed new construction and alteration of roofs, dormers and other roof features, including, without being limited to, balconies, towers, widow walks, roof decks, and cupolas.

g. **Porches and Entrance Porticos:** The SPGA shall review and may approve on a case-by-case basis proposed new construction and alteration of porches and entrance porticos, including the proposed enclosure or glazing of historic porches and entrance porticos.

h. **Fences and Site Walls:** New fences and site walls shall be appropriate in scale, materials and architectural style to the historic buildings and structures located on the same lot, to the lot itself, and to its setting. New fences and site walls shall not substantially block significant views from any street, way, or the Merrimack River, of the primary facades of historic buildings and structures located within the IDOD.

i. **Outbuildings:** When the SPGA approves the replacement of an historic barn or other outbuilding, or of its historic exterior architectural features, the replacement outbuilding or exterior architectural features should match the historic features in design, material, dimension, sash or panel configuration, detail, and texture.

j. **Signs and Awnings:** In addition to any other regulations of commercial signs under the Newburyport Code: (a) the maximum size for first-floor projected, hanging, window, and wall signs shall be twelve (12) square feet; (b) projected, hanging, window, and wall signs shall be prohibited on upper floors; (c) signs may be constructed of painted wood, metal, or stone; (d) signs constructed of particle board, plastic, or highly reflective metal shall be prohibited; (e) downlit signs shall use shielded bulbs to prevent light scatter; internally-lit

signs are not permitted; (f) all signs and hardware thereto attached to historic masonry shall be attached through mortar; and (g) any adhesive used for signs affixed to historic buildings or structures shall be preservation quality. The SPGA shall review and may approve on a case-by-case basis the proposed installation of new awnings.

**k. Access for Persons with Disabilities.** Alterations to an historic building or structure for the purposes of providing accessibility shall provide persons with disabilities the level of physical access to such building or structure that is required under applicable law, consistent with the preservation of historic exterior architectural features of such building or structure, and with the goal of providing the highest level of access with the lowest level of impact on historic integrity.

**1. Solar Energy Systems:** Consistent with state laws encouraging the installation of solar energy systems, as defined in Section 1A of Chapter 40A of the Massachusetts General Laws, new construction or alteration of solar collectors shall not irreversibly change or alter any historic exterior architectural features, and collector panels and other elements of solar energy systems, such as framing, piping and insulation, shall be installed so as to minimize their visibility from any street, way, or the Merrimack River. Otherwise, the SPGA shall review and may approve on a case-by-case basis the new construction or alteration of solar energy systems while considering the policy of the Commonwealth to encourage the use of solar energy systems and to protect solar access.

**5. IDOD-SP Amendments.** Amendments to an approved IDOD-SP shall be based upon the provisions of the zoning ordinance that were in effect at the time of issuance of the approved IDOD-SP, unless the owner and the SPGA mutually agree that such amendment shall be based upon the provisions of the zoning ordinance that are in effect at the time of application for such amendment.

## **XXVII-G Historic Masonry.**

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Notwithstanding anything in this zoning ordinance to the contrary, within the IDOD the maintenance, repair and/or replacement of historic masonry shall be subject to all of the following requirements:

1. Deteriorated historic masonry may be repaired or replaced where necessary, using new materials that duplicate the historic size, color, and composition of bricks at the building or structure, whenever reasonably feasible.

2. To protect historic masonry from damage, repointing shall use historic, softer mortar mixes, rather than harder Portland cement.

3. Deteriorated mortar of historic masonry shall be carefully removed by hand-raking the joints, although the SPGA shall review and may approve on a case-by-case basis the use of mechanical saws.

4. Historic masonry shall not be sandblasted, and shall only be cleaned when necessary to halt deterioration using the mildest methods feasible, as approved by the SPGA in writing prior to the commencement of work.



5. Unpainted historic masonry shall not be painted unless this was done historically. Historic advertisements painted on historic masonry walls shall be retained where feasible.

6. The application of sealants, waterproofing, and water-repellent coatings to historic masonry shall be prohibited unless it can be demonstrated that such products will not substantially impair water-vapor permeability or otherwise contribute to deterioration of the historic masonry.

#### **XXVII-H *De facto* demolition.**

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Notwithstanding anything in this zoning ordinance to the contrary, the owner of an historic building or structure located within the IDOD shall not allow such building or structure to fall into a state of disrepair of such degree that causes, or tends to cause, a significant reduction in market value or reasonable use, including, but not limited to, disrepair resulting from:

1. The significant deterioration of exterior walls or other vertical supports;
2. The significant deterioration of roofs or other horizontal members;
3. The significant deterioration of chimneys;
4. The significant deterioration or crumbling of exterior siding, masonry or mortar; or
5. The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors.

Accordingly, owners of historic buildings and structures located within the IDOD shall take all reasonably necessary precautions to prevent *de facto* demolition of such buildings and structures by neglect of maintenance and repairs.

#### **XXVII-I Severability.**

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The provisions of this section are severable. If any of its provisions, sections, subsections, paragraphs, sentences, or clauses, or the application thereof to any person, entity, establishment, or circumstances shall be held to be invalid or unconstitutional by any court of competent jurisdiction, then the remainder of this section shall continue to be in full force and effect.

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Councillor Jared J. Eigerman

# Newburyport and a New Kind of Urban Renewal

2014 JAN 21 A 9:01

By PAUL J. MCGINLEY

EXECUTIVE DIRECTOR, NEWBURYPORT REDEVELOPMENT AUTHORITY

**A** NEW kind of urban renewal project is taking place in the heart of historic Market Square in Newburyport.

Market Square is one of the last seaport business districts remaining from the golden days of New England shipping. The city's prosperity was built on a practical combination of shipbuilding, fishing, European and West Indies trading, distilling and domestic trade. Market Square has been a market area since the Indians met early explorers from England, France and Holland on the banks of the Merrimack River to trade furs and fish.

Newburyport's downtown area was the scene of what is referred to as "The Great Fire of 1811." The fire started in an old stable in Mechanics Row (now Inn Street). It soon extended to Market Square and State Street, and then began to spread in fan-like fashion, enveloping all of the buildings in the central portion of the city and sweeping across wharves, leveling warehouses, sail lofts and other waterfront structures.

The General Court in June of the same year took steps to "secure the town of Newburyport from damage by fire" and passed an act providing that all structures erected between Market and Federal Streets and the northeasterly side of High Street, and the Merrimack River should be built of brick or stone, and prohibited the erection of wooden buildings

more than 25 feet high in any other part of the town.

During the term of the legislature's special act, many brick buildings were built on State and Pleasant Streets and in other parts of the center of the city, which are still standing. These include the uniform buildings within the renewal area where it is noticeable that no structures are constructed of wood. All have fire walls rising vertically from the basements and extending through the roofs.

During the early 1960s a typical renewal project was envisioned as the Central Business Project which proposed the wholesale clearance of Market Square and the adjacent waterfront of the Merrimack River.

In 1964, the Historical Society of Old Newbury formed a committee headed by Dr. Robert W. Wilkins, head of the B.U. School of Medicine and a resident of High Street with its distinctive Federal architecture. As a result of his enthusiasm Dr. Wilkins accepted an appointment to the Redevelopment Authority in 1966. The Historical Society was one of many groups and numerous individuals that was unhappy with the plan that proposed the demolition of this old seaport. It was their thinking that Newburyport, because of its rich architectural and maritime heritage, should lean towards rehabilitation and preservation rather than demolition, especially of the uniform early nineteenth century three-story brick Federal

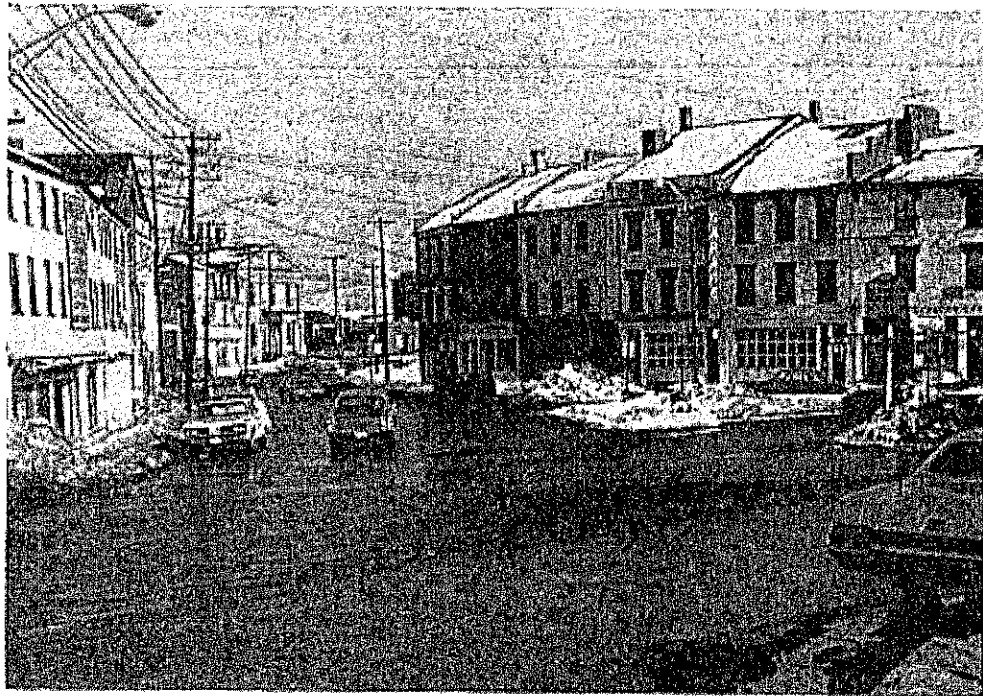


FIG. 1A. AND FIG. 1B. TWO VIEWS OF MARKET SQUARE, NEWBURYPORT.  
THE UPPER ONE SHOWS IT AS IT APPEARED IN MID-NINETEENTH  
CENTURY. AS IT APPEARS TODAY IS SHOWN IN THE LOWER VIEW

buildings running along State Street from Threadneedle Alley down to Market Square.

After much discussion the Redevelopment Authority commissioned a feasibility study of the buildings along State Street. The architectural firm of Perry, Dean, Hepburn and Stewart was engaged and a study was undertaken. The study indicated that rehabilitation was feasible and desirable.

In May, 1969, the Redevelopment Authority took formal action to preserve Market Square and initiated the replanning of the project to rehabilitate the historic buildings. The proposed rehabilitation includes a row of unique and interesting small "shop-type" buildings on one side of lower Inn Street, buildings surrounding Market Square and a Greek Revival United States Customs House.

The new plan also calls for an elevated pedestrian walkway at the second-story level along the rear of the State Street and Inn Street buildings. The elevated pedestrian walkway will increase the economic viability of the buildings for restoration by making the second floors readily accessible for commercial uses. The area between the restored Inn Street and State Street buildings which is now vacant will be converted into a pedestrian-oriented plaza with a possible outdoor restaurant.

Although a major portion of the project area is composed of historic buildings another important facet of the area is a large tract of cleared land along the Merrimack River. Plans for this area call for a restaurant, motel, marina and related commercial uses with a new road running along the waterfront.

The only building within the project area that will not be "Touched" by urban renewal is the fire station in the cen-

ter of Market Square. This, too, is a most unusual building. Built in 1823, its initial use was as a market house with stalls in front where merchants from far and near brought their wares for sale. Through the years the market house has been occupied by many different uses including the Newburyport Chair Company, St. Mark's Lodge, Democratic Rallies, and city meetings. The clock on the market house was originally on the westerly side of the "Square" and was probably removed and placed on this building in 1852. In 1864 the butcher stalls on the lower floor were taken down and the space converted to accommodate the city's new steam fire engine. From that time on the building has served as the local fire station.

In March, 1970, a public hearing was held on the new plan. City and state approvals were obtained and an application was submitted to the Department of Housing and Urban Development for funding. Included in the application for funding was a request for \$540,000 to actually allow the Redevelopment Authority to restore the facades of several historic buildings including those along State Street. These buildings will be sold to private developers for interior rehabilitation and commercial use.

In November, 1970, the writer, Paul J. McGinley, a renewal planner and historic preservationist, was hired by the Redevelopment Authority as its new Executive Director. Efforts were immediately taken to get the project funded in light of the shortage of urban renewal funds.

On February 3, 1971 the Redevelopment Authority received word their application for funding had been approved in the amount of \$1,053,000. However, the funds for historic preservation had not been approved.

To assist in getting the funds for historic preservation restored to the renewal budget, it was suggested that Market Square be designated as a historic district and placed on the National Register of Historic Places. Through the efforts of the Redevelopment Authority staff;

On March 5, 1971 the Department of Housing and Urban Development approved the additional funds for the Redevelopment Authority to undertake the essential rehabilitation of the historic buildings. Newburyport's urban renewal project is one of the first in the country to

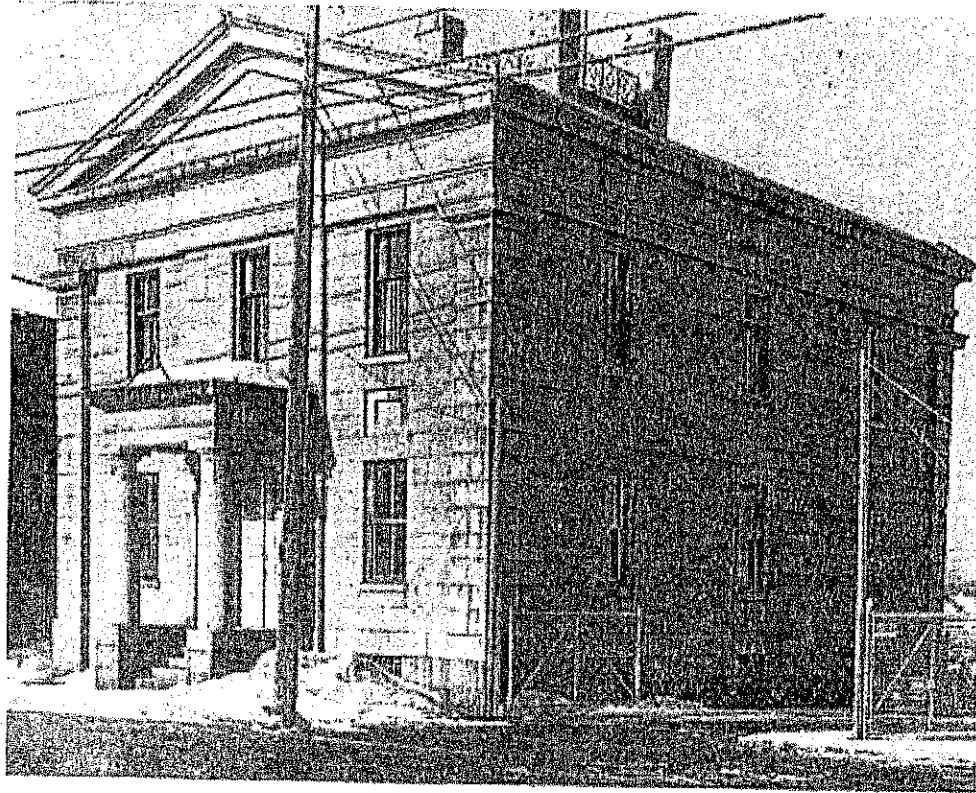


FIG. 2. THE CUSTOMS HOUSE. BUILT IN 1834-1835 AND DESIGNED BY ROBERT MILLS WHO WAS THE ARCHITECT FOR THE TREASURY BUILDING, THE PATENT OFFICE BUILDING, THE WASHINGTON MONUMENT, AND OTHER OUTSTANDING BUILDINGS IN WASHINGTON, D. C.

Congressman Michael J. Harrington; the National Trust for Historic Preservation; Secretary of State John F. X. Davoren and Dr. Richard Hale of the Massachusetts Historical Commission the "Market Square Historic District" was documented and listed on the National Register in a period of less than 15 days.

initiate restoration of historic buildings within a historic district with urban renewal funds.

Also recently placed on the National Register is Newburyport's United States Customs House, another historic building within the renewal area. The Customs House, built in 1834-1835 was designed by Robert Mills, America's first native-

born architect to achieve national renown. Mr. Mills shortly thereafter designed many of Washington's most outstanding buildings including the Treasury Building, the Patent Office Building, the Old Post Office and the Washington Monument. The renewal plan proposes the restoration of the Customs House for use as a maritime museum operated by the Newburyport Maritime Society. Detailed plans are now being prepared for this venture and the city's Historical Commission is applying for a HUD Historic Preservation Grant to assist with the cost of restoring this important link with Newburyport's maritime heritage.

The Redevelopment Authority is now

moving ahead to implement its ambitious plans. Historic buildings are available for purchase and restoration for various commercial uses and compatible new development. Anyone interested in participating in the restoration or development program as an owner or tenant should contact the Redevelopment Authority in Newburyport.

The citizens of Newburyport are now excited that the route to rehabilitation is getting underway to provide Newburyport with a unique downtown business district; one with "the flavor and nostalgia of the past, but with the conveniences of today."

Newburyport is now enjoying a new kind of urban renewal.



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# Newburyport Historic Preservation Plan

June 28, 1991

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William J. Scott, Director of Planning

**Newburyport City Council**

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Frank G. Cousins, Jr.  
William E. Gurczak, Sr.  
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C. Peter Erickson, Vice Chairman  
Robert Leonard, Secretary  
Jane Carolan  
Doug MacLeod  
Frank Miller  
Richard Colburn, Associate Member

Kathleen Kelly Broomer, Preservation Consultant



## ACKNOWLEDGEMENTS

The Newburyport Preservation Plan was completed under the supervision of the staff of the Massachusetts Historical Commission, particularly Mark Verkennis, Director of Local Government Programs, whose guidance was indispensable to the project. The staff of the city's Office of Planning and Development and the volunteers in the Hamilton Room at the Public Library provided invaluable assistance. In addition, many individuals who live and work in Newburyport shared their knowledge of the city's history.

This project has been funded with the assistance of a matching grant-in-aid from the Department of the Interior, National Park Service, through the Massachusetts Historical Commission, Secretary of State Michael Joseph Connolly, Chairman, under the provisions of the National Historic Preservation Act of 1966.

This program receives Federal funds from the National Park Service. Regulations of the U. S. Department of the Interior strictly prohibit unlawful discrimination in departmental Federally Assisted Programs on the basis of race, color, national origin, or handicap. Any person who believes he or she has been discriminated against in any program, activity, or facility operated by a recipient of Federal Assistance should write to: Director, Equal Opportunity Program, U. S. Department of the Interior, National Park Service, P. O. Box 37127, Washington, DC 20013-7127.

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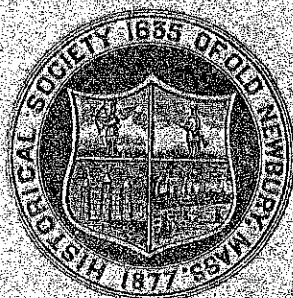
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(see separate index)

*The Historical Society  
of Old Newbury*

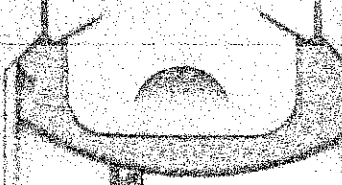
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## PREFACE

As the restoration of downtown Newburyport is now well on its way towards completion, it seems appropriate to record the Society's early role in what has proven to be one of the most important events in Newburyport during the past hundred years. A handful of concerned citizens, working under the aegis of the Society and through its Committee on Renewal and Restoration, led the way in 1963, 1964, and 1965 in saving Newburyport's historic business and waterfront areas from demolition under Urban Redevelopment.

The original handful included the late Mrs. Florence Evans Bushce, whose generosity made the first study possible; Dr. Robert W. Wilkins, eminent Boston heart specialist; Mr. Edmund H. Burke, local architect and expert in historical buildings; and his wife Ruth, an amateur photographer with fond memories of her Newburyport childhood. These were joined by other members of the Society in undertaking to turn public sentiment away from demolition and towards restoration.

The following report, which records the Society's early role for the first time, is based on the minutes of countless meetings, on correspondence, on newspaper articles, and on personal recollections. Obviously, space does not permit us to record all the renewal efforts and activities of many of our members, both individually and collectively after July 1965, when our Committee on Renewal and Restoration ended its official activities.

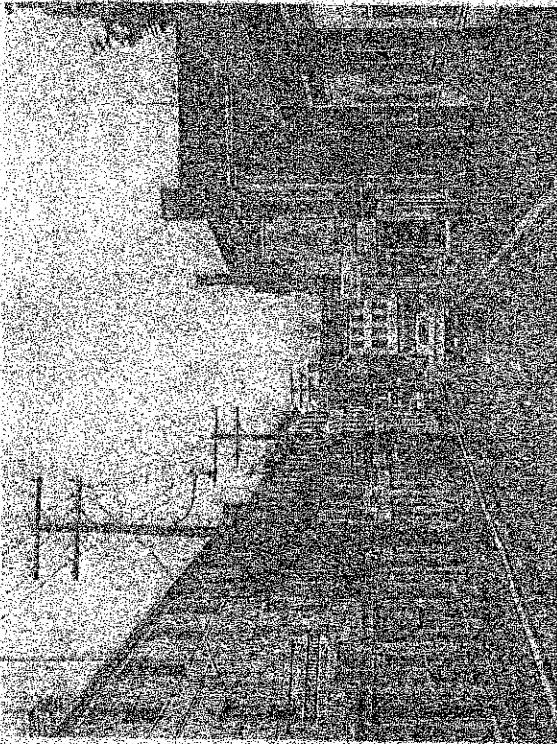
I believe this report will be of interest to our membership.

Benjamin J. Stone, *President*

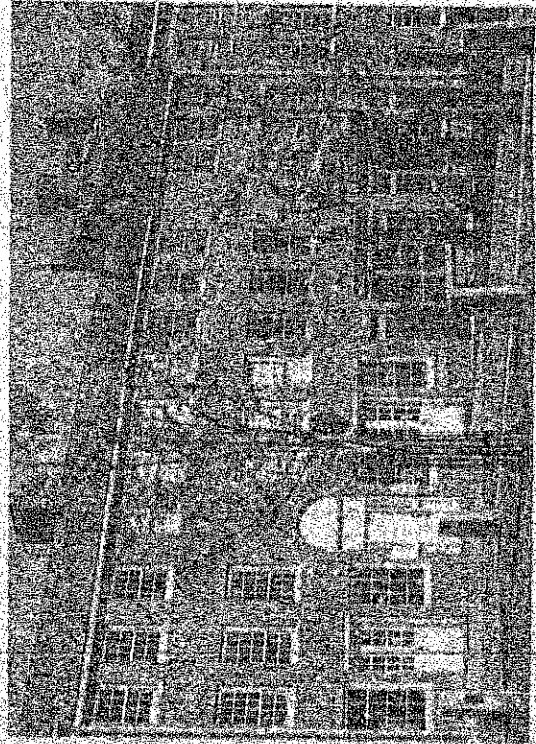
## ACKNOWLEDGMENT

All the photographs in this issue of the *Bulletin* are by Bill Lane.





Looking down Inn Street . . . Before . . .



. . . and After

## *The Role of the Historical Society of Old Newbury and Its Committee on Renewal and Restoration in Newburyport's Urban Renewal from 1963 to 1965*

### *Early Activities*

In 1963, Mr. and Mrs. Edmund H. Burke, who for many years had been photographing historic Newburyport from all vantage points, at all times of day, and at all seasons of the year, presented their beautiful slides at a meeting at the Society on May 22. This meeting was to be a "Reception in honor of the officers and their wives of the Government and Committees of Newburyport and Newbury." Mrs. Charles D. Baker, Jr. was to assist in giving the commentary.

Recognizing the political significance of this reception, the *Newburyport Daily News* gave it full advance publicity, as well as reportorial and editorial coverage. Mr. William L. Plante, Jr., the editor, wrote on May 20, 1963, "We're looking forward to an event of some significance Wednesday evening when the Historical Society will play host to city officials and others who will attend the open house at the museum . . . and just what their reaction will be to the attempt by the Society to 'sell' Newburyport on Newburyport . . ."

In its May 23rd issue the *News* reported, "City and town officials of this City and Newbury saw the area through the eye of a camera last night and came away newly impressed with the splendor of their communities . . . Both Mayor Albert H. Zabriskie and the Chairman of Selectmen, Richard H. Knight, were impressed, they told the audience in brief remarks."

Another editorial by Mr. Plante on May 25 said, "The biggest waste in Newburyport I know is its history. I never visit the Historical Society Museum but what I'm reminded of that . . . It is our firm hope that the political leaders of the City will invite representatives of the Society to join with the Redevelopment Authority in devising a program which will jealously guard our historical wealth while planning vigorously to insure a prosperous future. The two goals lie at the end of the same path."

Thus encouraged, the Burkes next consulted with Mrs. Florence E. Bushee, who had been working closely with the Society for the Preservation of New England Antiquities in her restoration projects on the Newbury Lower Green. Mr. Bertram K. Little, Director, and Mr. Abbott Lowell Cummings, Assistant Director of the S.P.N.E.A., were invited by Mrs. Bushee to luncheon and a meeting at the Burkes' home on December 3, 1963. Also present were Mrs. Robert M. Driver and Miss Lorna Learned. The purpose of the meeting was to get these two gentlemen to assess the value of an all-out effort to restore the downtown commercial and waterfront areas in Newburyport.

After lunch, Mr. Burke conducted the guests through the endangered areas. The day was raw and dreary, but the reaction of the two men was warm and enthusiastic. Mr. Cummings made a statement often to be repeated in the ensuing years, namely, that with the demolition of India Wharf in Boston, Newburyport now had the best preserved 19th Century commercial district on the Atlantic Seaboard, if not in the entire nation.

#### *The Redevelopment Authority's Plan*

Early in 1960, Mayor Zabriskie and the Newburyport City Council had established the Newburyport Redevelopment Authority (NRA) and directed it to clean up the shabby central business district. The Council, the NRA, and indeed most Newburyporters believed that the best way to proceed with this was to sweep away the old and replace it with something shiny and new. As for the historic old buildings, these were regarded as not only an eyesore but also beyond redemption. These views were well expressed and supported by the *Daily News* on January 31, 1964:

"We are now three months removed from the Newburyport elections of last November, a period which has settled the arguments which the issue of urban renewal raised. The city matters with discontent over the fetters of unemployment, but turns its back on the growing cancer in our business district. . . .

"Most of the buildings on lower State Street, Inn Street, and Market Square were constructed on a shoestring after the great fire of 1811. They were built to answer an economic need. They no longer do so. Because of this they constitute a threat to all other city property in the sense that they no longer pay their share of the tax burden."

The *News* also ran an extensive series of articles on urban renewal, written by NRA Director Douglas R. Gray. These articles, purporting to explain how renewal would work, were primarily arguments for the NRA demolition plan. One article was headlined, "Port Restoration Is Not Feasible," another, "Restoration is Noble but Costly." The latter contained a paragraph in bold type, "We have been criticized because, should urban renewal become a reality, many fine old buildings of supposed historic value will be lost to the bulldozers. I would submit that the buildings were lost years ago to the elements and are now beyond repair. Several buildings in the downtown area are, in the opinion of experts, of no value and even detract from the value of the land on which they stand."

In the face of this climate, the preservationists were subdued, but not defeated. Mrs. Driver published an article on the beauties and values of the Old State Street and Market Square buildings, which appeared in the Spring 1964 *Bulletin* of the S.P.N.E.A.

As the Historical Society's 1964 summer season approached, Mr. and Mrs. Burke were assigned to work with the young, summer curator, Mr. Paul E. Molitor, Jr. (today Director of the Museum of the American China Trade in Milton.) When Paul asked the Burkes for suggestions on what he might do, they answered, "This is to be your most exciting year, — the year of the stopping of the bulldozers!" Paul took up the cause with great enthusiasm, doing much historical research on the old buildings, making innumerable appearances, and writing many letters on behalf of restoration.

But generally in Newburyport people were apathetic. Even the preservationists did not believe that the NRA really intended to destroy all the old commercial buildings.



However, in mid-summer the NRA displayed an architectural model of his plan in a State Street store window. This model showed the demolition of all the old buildings, and their replacement by a black-topped parking lot, surrounded by a conventional shopping center.

#### *The Society's Committee on Renewal and Restoration*

Historically-minded Newburyporters were aghast. Dr. Robert W. Wilkins, Chief of Medicine at Boston University, consulted with the Burkes and with Mr. Dudley Currier, well-known antiquarian and furniture restorer. Encouraged by them, Dr. Wilkins wrote a letter to the *Daily News*, which published it on July 20, 1964. This letter stated, "... there is nothing incompatible between preserving the artistic heritage of a city and having modern industry as well; ... let us try to maintain both Newburyport's heritage and her commercial progress. For unless we succeed in both of these objectives, all of us will have lost something precious, and none will have gained anything of real value."

The conciliatory tone of that letter aroused immediate local sympathy and support, and led to a number of private meetings and public letters to the *Daily News*. Prominent among the early letter-writers were Mr. Albert Fowler, Dr. Elizabeth Councilman, and Mr. Jules D. Prown, former curator of the Historical Society of Old Newbury. The most important of the early meetings was one held on August 18, 1964 at the Burkes' home. Dr. Wilkins, Mrs. Driver, Mr. Molitor, and the Burkes, seeing the necessity of organized if not political action, sought the advice of former Mayor Zabarskie on how to proceed. He advised, and it was decided, that they set up a committee empowered to raise funds for preservation. Dr. Wilkins was persuaded to act as Chairman.

Immediately this group wrote personal letters and made visits to numerous influential people and organizations who might help in the preservation efforts. Mr. Molitor wrote officially to the National Trust for Historic Preservation, and Dr. Wilkins wrote personally to its chairman, Mr. Gordon Gray, who had been a college-mate of Dr. Wilkins. Sympathetic replies were received, suggesting that the local group organize under the Historical Society so as to receive

tax-exempt funds. Actually, the Committee was already so organized, and was formally authorized by the Society at the next meeting of the Board on September 8, 1964.

The commission of the Society to the Committee on Renewal and Restoration of Newburyport's Commercial District was as follows: "The purpose of this Committee will be to work with local and national Urban Renewal and Redevelopment Authorities to assure that the most favorable plan is adopted for the rehabilitation of Newburyport's historic commercial district. It will seek a plan that will improve both the commercial usefulness and the architectural attractiveness of the commercial area, particularly Market Square and lower State Street. It will recognize the desirability of increasing the tax base and at the same time of preserving the unique historic assets of the area. It will emphasize the potential economic value of tourist trade and endeavor to find ways of enhancing tourist attractions in the city. To these ends, the Committee will have among its members and invite among its consultants, experts on modern and Federal commercial architecture, and particularly on the restoration of old buildings. It will also seek the advice and counsel of the local, state, and national Historic Commissions, the National Trust for Historic Preservation, and other similar authoritative organizations devoted to these matters. It will collect and maintain a file of information on the subject of the best plans of renewal of commercial historic districts, and it will make recommendations on one or more such plans for Newburyport. It will lead in taking action to secure popular and political support for its plan(s). Finally, it will seek and receive funds to promote its purposes from foundations and private philanthropists, and it will consider and recommend methods of raising funds for these purposes."

The Committee fully accepted these directives, especially the aim of making the downtown area an economically viable commercial district, not a museum.

On August 30, 1964 the Committee began keeping minutes of its meetings. By that time much local interest was being expressed. On August 10, 1964 the *News* had editorialized, "We are pleased to be reading some dialogue on this page concerning the redevelopment of Newburyport's downtown area. It's unfortunate that it comes so late, but perhaps that's because it takes time for ideas to crystallize."

During the first week of September 1964, the Society's Committee met twice with the NRA, once with the Board, and again with the Director. These meetings were not unfriendly with the Committee trying to reassure the NRA that it was not opposed to redevelopment, but felt that redevelopment with preservation was preferable to demolition. The NRA, on its part, insisted that it was not opposed to preservation provided the Committee (or anyone) could prove it to be feasible. As proof, the NRA wanted some credible individual or group with substance and experience to vouch for preservation by putting hard money on the line for it.

In September Mr. Molitor returned to college, and the Committee persuaded Mrs. Driver to become its secretary. Also several new members agreed to serve: Mrs. Dorice Chapman, Director of the Y.W.C.A.; Mr. John H. Framberg, Jr., President of the Institution for Savings; Mr. Edward W. Barnes, Past Headmaster of Governor Dummer Academy; and Mr. Kennard L. Bowlen, prominent business man. The Committee soon learned that, if its public efforts were to be effective, it would need private funds to work with. As the Society had no money to allocate to it, the Committee had to seek its own.

Where to seek? Obviously and first, it turned to the long-time friend and benefactress, Mrs. Florence Evans Bushee, who instructed her Boston attorney to help the Committee with a substantial donation. This and other contributions enabled the Committee to embark on its most important public, though initially private, undertaking. This was to enlist Mr. William Graves Perry and his firm, Perry, Shaw, Hepburn & Dean, as consultants (later as architects) of an alternative project of restoration and rehabilitation of the downtown commercial district. Mr. Perry not only was a Newburyporter with a long-time interest in its architectural treasures, but he also had been the architect both for the Williamsburg restoration and for the more recently dedicated Strawberry Banke Project in Portsmouth. Strawberry Banke was important because it had brought much favorable publicity to the Department of Housing and Urban Development (HUD) for permitting such historic preservation under Urban Renewal.



Dr. Robert W. Wilkins and Mr. William Graves Perry conferring in the restoration area.

Earlier, in July 1964, Mr. Dudley Currier had written to Mr. Perry, requesting his help in saving the old buildings. Mr. Perry replied in a letter dated July 16, 1964, and later published in the *Daily News*, saying, "The past custom of wholesale demolition of the old and replacement by the new is now happily being reappraised. . . . Today, and only very recently, we find the Urban Renewal Authority to be sympathetic with and financially sponsoring a new and encouraging approach. It takes the form of renewal of the old. . . . State Street, Market Square, and their adjacent areas may very well be 'renewed', and perhaps should be. The renewal may well be accomplished to meet the needs of modern business."

These and similar views encouraged the Committee to undertake the burdens both of proving the feasibility of restoration and of accommodating it as much as possible to

modern business. The Committee wished to preserve and rehabilitate the valuable old buildings; it never opposed new construction in the downtown area.

The Committee held numerous closed and open meetings, explaining its aims and activities. Notable among the open meetings was one at the Cushing House on September 9, 1964, at which Mr. Abbott Lowell Cummings of the S.P.N.E.A. spoke on "Newburyport's Market Square." Another was a debate held at the Y.W.C.A. between NRA Director Douglas Gray and Committee Chairman Wilkins, under the sponsorship of the League of Women Voters, October 15, 1964. The discussion following both meetings was animated, not to say acrimonious, but helped to make friends for rehabilitation and restoration. Even Mr. Gray confessed privately to Dr. Wilkins that he personally was "for preservation."

The Committee now found itself under two constraints, the one imposed by the NRA to come up with a feasible alternative to the demolition plan, the other, imposed by the timing of the NRA plan, which was awaiting approval by the City Council, and after that, by HUD in Washington. Some felt that the Committee's aim was to block HUD approval, and thereby prevent all urban renewal in Newburyport. The Committee, on its side, was afraid that once the NRA demolition plan had been officially approved in Washington, it would have the effect of "law" and be virtually unalterable.

#### *The Perry Plan*

The Committee now took a momentous step. It set aside the remaining portion of its funds, as might be necessary, to retain Mr. Perry and his firm, and commission them to come up speedily with an alternative plan accompanied by specific drawings or "renderings" to be presented to the City Council and the public. A visual presentation was regarded as essential to counteract the effectiveness of the NRA model. The Committee met in Boston with Mr. Perry, who reviewed his ideas of combining the old with the new in a frank effort "to please everyone," and thereby be more effective politically. Some of Mr. Perry's schemes, notably his thought of preserving only the facades of the State Street buildings, and of

placing plexiglass domes over Inn Street, repelled some Committee members. Others of his ideas, especially his emphasis on pedestrian traffic in the Inn Street — Market Square areas, were most attractive, and indeed were carried out in the ultimate design.

Mr. Perry went far beyond his responsibilities to the Committee. He spoke at open and private meetings, wrote letters to influential people and to the *Daily News*, met with the mayor and the NRA, and gave much time to the Committee. However, the orderly processing of his ideas into an architectural "Program," and then into "renderings", was obviously going to be far slower than the Committee had hoped or could wait for.

On January 4, 1965 the Committee wrote to Mr. Perry that it had "considered again the impasse we seem to have reached in our efforts to come up with an acceptable counter-proposal. . . . As Mayor Lawler himself said, we really don't have anything new to take to the Council. They, like most Newburyporters, have to be *shown* the idea; they can't visualize it." In short, the Committee asked Mr. Perry and his firm to bypass their usual methodical, conservative approaches and come up quickly with something both visual and dramatic, — namely a model. This move brought quick action. The model was ready for unveiling at the Chamber of Commerce meeting at the Masonic Temple on February 11, 1965 and was the hit of the evening.

In retrospect, the unveiling of the initial Perry Plan was the high point of the Committee's work. Nevertheless, the Committee worked on at fever pitch for many more months because it regarded the actual restoration of downtown Newburyport as a remote possibility at best. Again in retrospect, the Perry Plan, though far from acceptable in all its details, served a most useful political purpose as the single, really important factor in turning Newburyporters and the NRA away from demolition and toward rehabilitation.

#### *Political Action*

The Committee's work now became primarily political. It continued its campaign to keep all possible friends and supporters informed and stimulated about the Perry Plan.

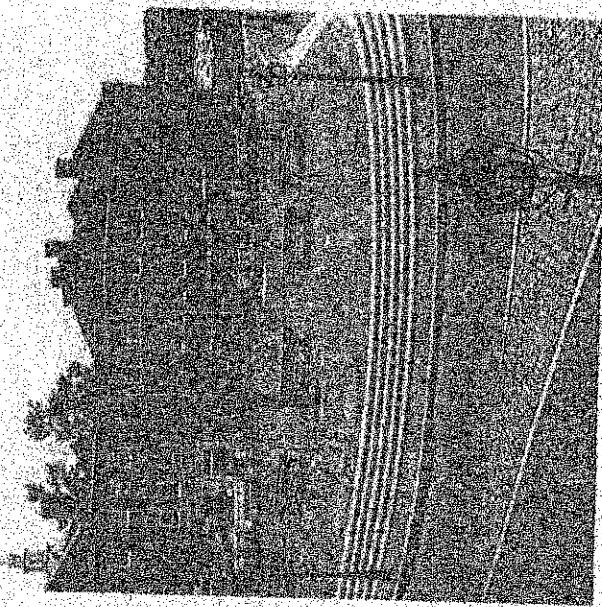


At this juncture, the National Historic Trust became helpful, writing on February 26, 1965, "You may count on our giving you support in Newburyport where the planning for the changes you wish must originate. Please let us know if you wish letters or other communications sent to your mayor."

On March 4, 1965 an NRA meeting was attended by Committee members Burke, Pramborg, and Wilkins, who tried to persuade the NRA to change its plan. The NRA director reported that no formal word had yet been received from the Urban Renewal Administration in Washington regarding the NRA plan. The NRA Board was both disappointed and angry at the Committee, whom they suspected had been responsible for the delay. Dr. Wilkins then asked that the NRA change its plan by adding after the dreaded word "demolition," the stipulation that this be at the developer's request. He also asked that the Perry Plan be given explicit consideration in the NRA Plan. Both requests were denied, the reason being given that any change "even of one word" would delay, if not prevent, approval of the plan. Fear that all Federal funds might be lost dominated NRA opposition and led to heated discussion.



Market Square, East Row, before restoration.



Looking across the restored Market Square towards West Row.

Mayor George Lawler then broke in with a resolution of his own, to the effect that, "Should an otherwise qualified developer, who indicates a sincere desire to purchase land from the Authority, express a desire to redevelop the area in a manner expressive of the plans of the Historical Society, which plans will be made known to them, this Authority will attempt to make any necessary changes in its present plans, consistent with sound municipal planning and economic feasibility, and will further present such changes to the proper public bodies for the necessary reviews and approvals." The resolution was adopted by the NRA, but neither side was too happy with it.

On March 8, 1965 Dr. Wilkins wrote to the National Historic Trust, "It would be fine for us if the Urban Renewal in Washington (and/or in New York) could reassure the local Redevelopment Authority in Newburyport that the elimination now of the mandatory demolition clause from the plan (so as to permit historic preservation) would not unduly delay the project or jeopardize its approval. If they cannot do this but would confirm the local Authority's statements that changes can easily be made in the plan *after* approval so that preservation will be possible, we'd go along."

No such reassurances were received. However, on March 19, 1965 the National Trust replied with a carefully reasoned recommendation that "no further attempts be made to change the (NRA) plan at present . . . and that they (the Society's Committee) concentrate on implementing the Perry concept once Urban Renewal funds for the project have been obtained."

Again the Committee was not too happy with this advice, but saw no alternative but to go along with it. Some comfort was taken from a letter received in May 1965 from the Urban Renewal Administration in Washington, in reply to the Committee's March 8th request for some official reassurances concerning Mayor Lawler's resolution. The letter stated in part, "The (Lawler) resolution of the Newburyport Redevelopment Authority that you have quoted in your letter is an extraordinary indication of the intentions of the Authority and other city officials to cooperate with the Historical Society in achieving the highest degree of historic preservation that may be feasible in Newburyport. This resolution makes it clear that even though the plan revisions you suggest might require a change in the entire concept of the Authority's proposals for the Commercial Business District Urban Renewal Project, the Authority and other local officials would be willing to consider and make such a change at any time that the economic feasibility of the Historical Society's alternate plan is demonstrated by an expression of interest from a qualified redeveloper. In our opinion, this resolution provides strong evidence of the good faith of the Newburyport Redevelopment Authority in its attempt to carry out a program of Urban Renewal that respects the interests and needs of all local citizens."

This letter reenforced the two major concerns of the Committee, first to demonstrate the economic feasibility of some plan (Perry's or anyone's) for historic preservation, and second to change the composition of the NRA Board so that a majority of its members would favor historic preservation over demolition. As it turned out, the first of these concerns was taken care of by Mr. Perry, and the second through the intervention of Mayor Lawler, when he later appointed Dr. Wilkins to the NRA Board.

Through a member of his firm, Mr. Perry put the Committee in touch with Mr. Gordon Hall, an executive in the prestigious Boston real estate firm of R. M. Bradley, and Mr. Hall, in turn, enlisted his friend, Mr. Tad Stahl, a well-known Boston architect, much interested in historic preservation. (These two men continued their interest in Newburyport's renewal for at least four years; but that is another story.) After a meeting with them in Mr. Perry's office, a letter was sent from the Bradley Company on April 15, 1965 to the Newburyport Redevelopment Authority as follows:

"This letter is to state our basic proposal for redeveloping the Newburyport Business District.

"We believe that the plan as approved by the L.P.A. (Local Public Authority) and in the process of approval by H.H.F.A. (Housing and Home Finance Agency) is workable. We also feel that the fundamentals of the 'Perry Plan' can be successfully integrated with the approved plan. Further we believe that integrating the 'Perry Plan' will make a more viable commercial project than if it were not used. It will enhance the project itself and significantly benefit the merchants on the periphery of the project area. It also accomplishes the end of providing an extremely worthwhile historic and architectural entity. . . ."

To Dr. Wilkins, Mr. Hall wrote as follows: "I have been asked to speak to the Authority next week to demonstrate and explain developer interest. Doug Gray wants to move as fast as possible. He is giving the ball to us, and we should use the opportunity."

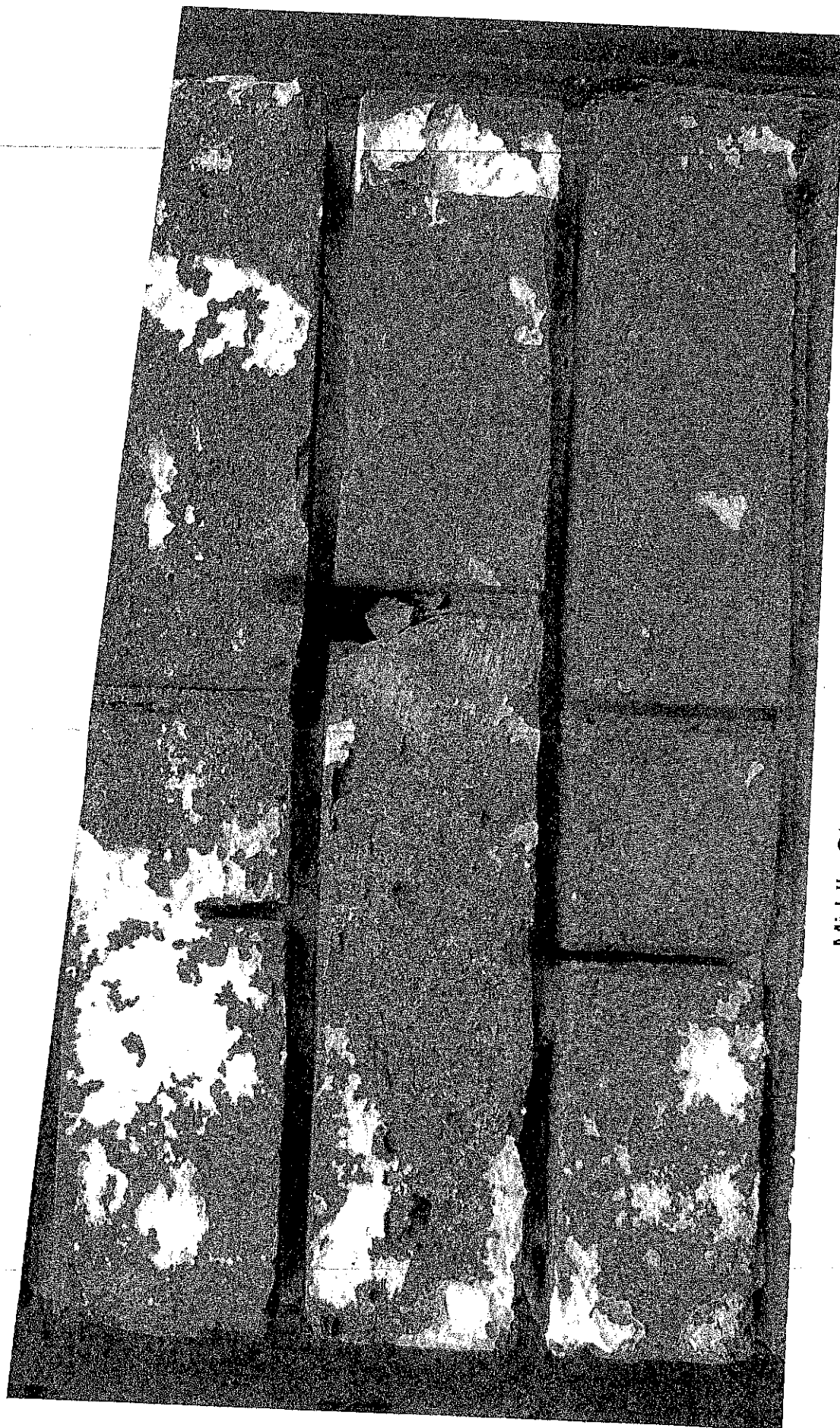
### *Success for Restoration*

Suddenly, rehabilitation of downtown Newburyport by historic preservation had been given a degree of credibility, economic feasibility, and respectability that only a month before the Committee would have considered impossible. The Committee was jubilant, blissfully unaware of the long and tortuous road still ahead before any rehabilitation would be achieved in Newburyport. Much favorable publicity now aided the Committee's efforts. The tide seemed to have turned, and after less than a year of activity the Committee could and did regard its work with satisfaction.

The last formal meeting of the Committee was held on July 31, 1965, and was recorded by Mrs. Driver's minutes as follows: "The meeting ended in a jocose mood of optimism and self-congratulation which had hardly been noticeable before. Whether this happy feeling is premature remains to be seen."

As an *Ad Hoc* group, the Committee was never officially dissolved; instead, it accepted the role of observing to see that the Society's objectives were being carried out.

As we look back at these early years, the Historical Society of Old Newbury can be justly proud of the part that its members and its Committee on Renewal and Restoration played in the preservation of historic downtown Newburyport.



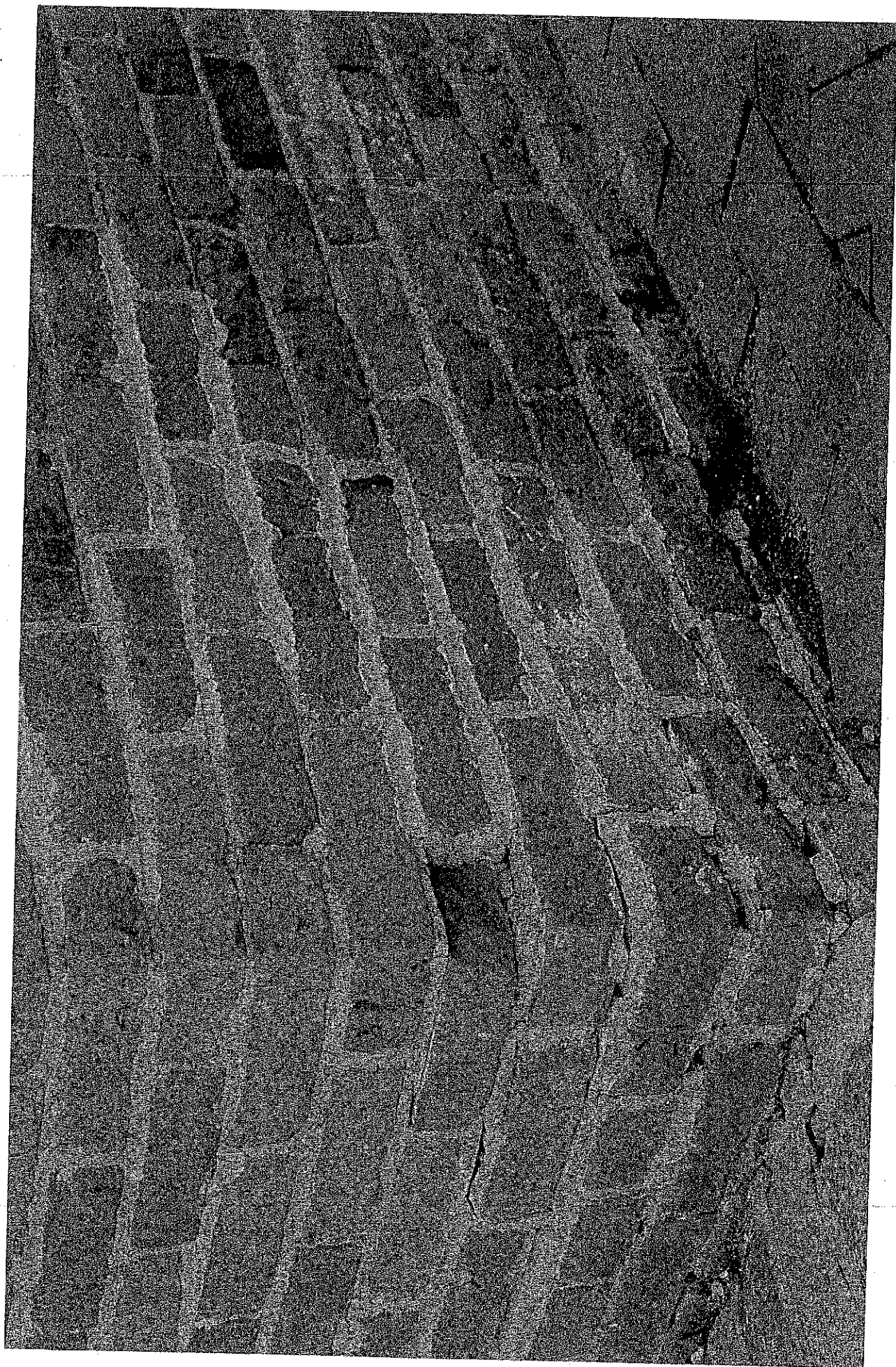
Middle Street 2010 - grinder cuts



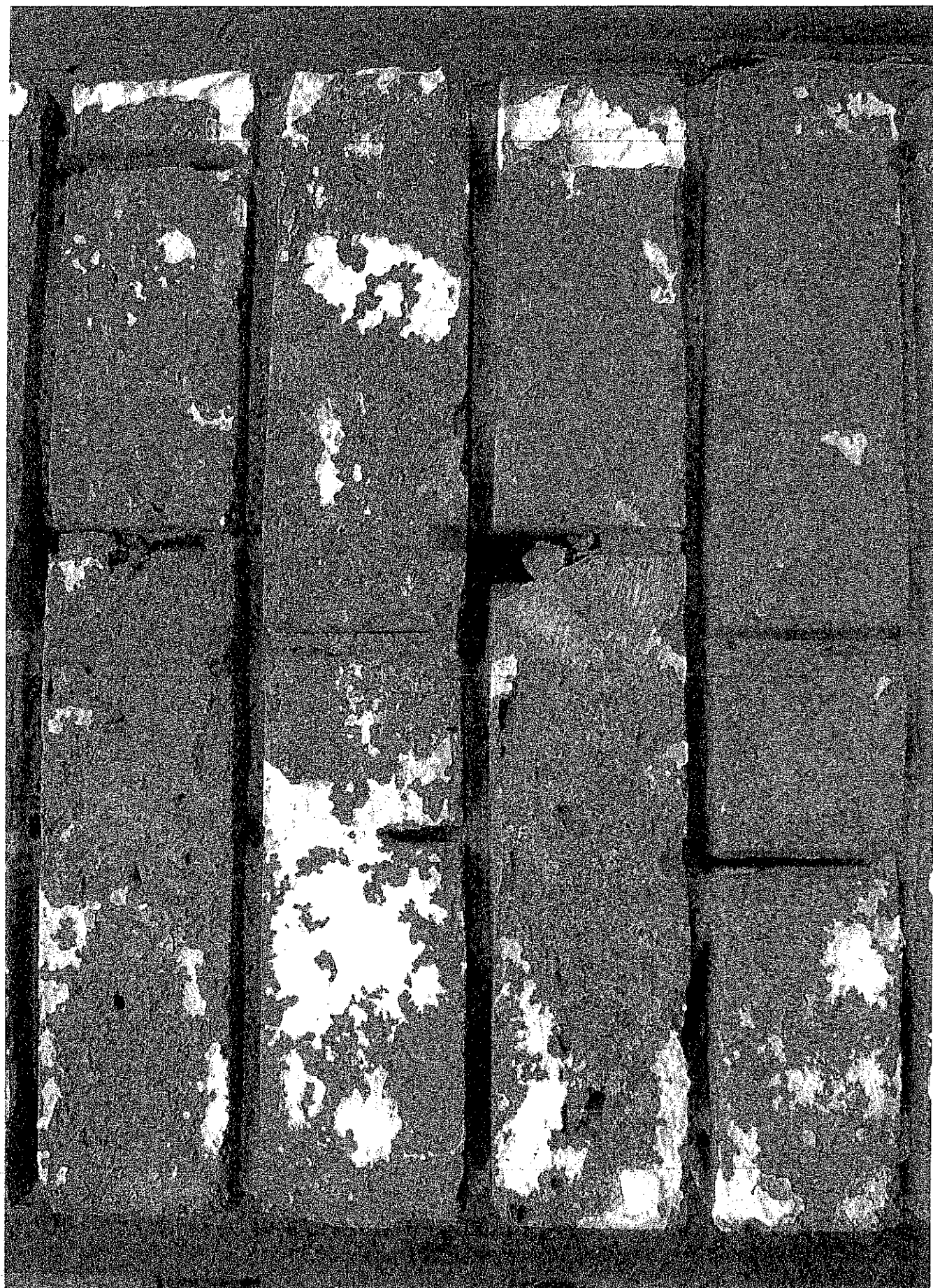


Inn Street corner 2013 - mortar covered brick





Inn Street corner 2008 - Portland cement



Middle Street 2010 - grinder cuts



## COMMITTEE ITEMS



City of Newburyport  
FY 2014  
BUDGET TRANSFER REQUEST

Transfer #1  
January 13, 2014

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
2014 JAN -7 P 1:06

Department: Mayor

Submitted by: Mayor Donna D. Holaday

Date Submitted: 1/13/2014

**Transfer From:**

|                                                                                                                                |                                                                                 |            |                 |
|--------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|------------|-----------------|
| Account Name                                                                                                                   | General Fund - Free Cash                                                        | YTD Bal:   | \$ 2,168,285.00 |
| Account Number:                                                                                                                | 01-35900                                                                        | Trans In:  | \$ -            |
| Amount:                                                                                                                        | \$25,000.00                                                                     | Trans Out: | \$ -            |
| Why are Funds Available:                                                                                                       | <i>The Mass Dept. of Revenue certified Free Cash for FY2014 at \$2,492,109.</i> |            |                 |
| <i>These funds are available for any legal purpose with the approval of the Mayor and a majority vote of the City Council.</i> |                                                                                 |            |                 |

**Transfer To:**

|                         |                                                                                                                                                                               |            |      |
|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------|
| Account Name            | OPEB Trust Fund                                                                                                                                                               | YTD Bal:   | \$ - |
| Account Number:         | 8300-49700                                                                                                                                                                    | Trans In:  | \$ - |
| Amount:                 | \$25,000.00                                                                                                                                                                   | Trans Out: | \$ - |
| Why are Funds Required: | <i>The initial appropriation to begin funding the Other Post-Employment Benefits (OPEB) Trust Fund as provided by Section 20 of Chapter 32B of Massachusetts General Law.</i> |            |      |

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

*Donna D. Holaday*  
*William B. Squillace*

Date: 1/6/2014  
Date: 1/6/2014



Transfer #2  
January 13, 2014

# City of Newburyport

## FY 2014

### BUDGET TRANSFER REQUEST

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 JAN -7 P 2:58

Department: Mayor

Submitted by: Mayor Donna D. Holaday

Date Submitted: 1/7/2014

#### Transfer From:

|                          |                                                                                                                                                                                                      |            |                 |
|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------------|
| Account Name             | General Fund - Free Cash                                                                                                                                                                             | YTD Bal:   | \$ 2,168,285.00 |
| Account Number:          | 01-35900                                                                                                                                                                                             | Trans In:  | \$ -            |
| Amount:                  | \$ 9,775.00                                                                                                                                                                                          | Trans Out: | \$ 323,824.00   |
| Why are Funds Available: | The Mass Dept of Revenue has certified Free Cash for FY 2014 at \$2,492,100. These funds are available for any legal purpose with the approval of the Mayor and a majority vote of the City Council. |            |                 |

#### Transfer To:

|                         |                                   |            |      |
|-------------------------|-----------------------------------|------------|------|
| Account Name            | Mayor - Grant Writer              | YTD Bal:   | \$ - |
| Account Number:         | 01121002-53006                    | Trans In:  | \$ - |
| Amount:                 | \$9,775.00                        | Trans Out: | \$ - |
| Why are Funds Required: | See attached memo from the Mayor. |            |      |

#### 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: 1/7/14  
Date: 1/7/14

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
CITY OF NEWBURYPORT

2014 JAN -6 P 1:40



IN CITY COUNCIL

ORDERED:

January 13, 2014

THAT the City of Newburyport does hereby accept the provisions of Section 20 of Chapter 32B of the Massachusetts General Laws authorizing the creation of a Trust Fund for Other Post-Employment Benefit Liabilities (OPEB).

Councillor Edward C. Cameron

MOTION  
PPV  
EC  
BC  
EC  
Friendly  
PH-  
Refer to BOF  
AR1  
SV

City OF NewburyportRECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

## APPLICATION FOR A LICENSE TO BUY, SELL, EXCHANGE

## OR ASSEMBLE SECOND HAND MOTOR VEHICLES

## OR PARTS THEREOF

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? LCA Motors

Business address of concern. No. 4 Lt. Leary Drive St.,  
Newburyport, MA City — Town.

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

Individual

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

Charles Ciovacco 4 Lt. Leary Drive  
Newburyport, MA 01950

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

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

President \_\_\_\_\_

Secretary \_\_\_\_\_

Treasurer \_\_\_\_\_

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.

Internet based from a principal residence. Sale  
of used automobiles.

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? No

(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

(Yes or No)

For what year? 2005-present

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

[Signature]  
(Duly authorized to represent the concern herein mentioned)

Residence 4 Lt. Leary Drive, Newburyport

### 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)



508-641-4043

**CNA SURETY**

CNA Plaza, Chicago IL 60685-0001

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
Jennifer B. Schaller  
Counsel

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA  
Telephone 312-822-7049  
Facsimile 312-735-3737

2014 JAN 16 A 8:33

Re: Second Hand Motor Vehicle Dealer Bond Certificate of  
Continuance for Western Surety Bonds

*ZCA Motors*

Western Surety is an underwriting company of CNA Surety and we are contacting your office because several of our bond principals received correspondence indicating the need for a Certificate of Continuance for their Second Hand Motor Vehicle Dealer Bonds issued by Western Surety.

Western Surety's standard bond form expressly states: "This bond shall be continuous and may be cancelled by the Surety by giving (30) days' written notice of cancellation to the municipal licensing authority at (address) by First Class Mail." (emphasis added)." Since, Western Surety's bond form is continuous, it would be inappropriate for Western Surety to issue a Continuation Certificate.

The Commonwealth of Massachusetts, Registry of Motor Vehicles has reviewed Western Surety's bond form and has clearly stated that municipalities do not need to require additional evidence that the bond is in effect. (See attached letter from Attorney William McVey dated November 19, 2004).

If you have any questions, or we can be of any further assistance, please feel free to contact me at (312) 822-7049.

Sincerely,

*Jennifer B. Schaller*

Jennifer B. Schaller



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
01/09/2014

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<br>MARSH USA, INC.<br>445 SOUTH STREET<br>MORRISTOWN, NJ 07960-6454                                                                                  | CONTACT<br>NAME:              |                                           |
|                                                                                                                                                               | PHONE<br>(A/C No. Ext):       | FAX<br>(A/C No.):                         |
| 123456-Std--13-14 MANCH                                                                                                                                       | E-MAIL<br>ADDRESS:            |                                           |
|                                                                                                                                                               | INSURER(S) AFFORDING COVERAGE |                                           |
| INSURED<br>NATIONAL MULTIPLE SCLEROSIS SOCIETY<br>NORTHERN REGIONAL OFFICE<br>GREATER NEW ENGLAND CHAPTER<br>1361 ELM STREET STE. 106<br>MANCHESTER, NH 03101 | INSURER A:                    | Federal Insurance Company                 |
|                                                                                                                                                               | INSURER B:                    | Great Northern Insurance Company          |
|                                                                                                                                                               | INSURER C:                    | ACE Property & Casualty Insurance Company |
|                                                                                                                                                               | INSURER D:                    | Employers Insurance Company Of Wausau     |
|                                                                                                                                                               | INSURER E:                    |                                           |
|                                                                                                                                                               | INSURER F:                    |                                           |

COVERAGES CERTIFICATE NUMBER: NYC-006210185-08 REVISION NUMBER: 6

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                                                                                         |                                                     | 3583-33-49         | 12/31/2013              | 12/31/2014              | EACH OCCURRENCE \$ 1,000,000                                                           |
|          | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY                                          |                                                     |                    |                         |                         | DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000                                 |
|          | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR                            |                                                     |                    |                         |                         | MED EXP (Any one person) \$ 10,000                                                     |
|          |                                                                                                           |                                                     |                    |                         |                         | PERSONAL & ADV INJURY \$ 1,000,000                                                     |
|          |                                                                                                           |                                                     |                    |                         |                         | GENERAL AGGREGATE \$ 2,000,000                                                         |
|          |                                                                                                           |                                                     |                    |                         |                         | PRODUCTS - COMP/OP AGG \$ 1,000,000                                                    |
|          | GEN'L AGGREGATE LIMIT APPLIES PER:                                                                        |                                                     |                    |                         |                         |                                                                                        |
|          | <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC |                                                     |                    |                         |                         | \$                                                                                     |
| B        | AUTOMOBILE LIABILITY                                                                                      |                                                     | (12)7353-02-37     | 12/31/2013              | 12/31/2014              | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000                                       |
|          | <input checked="" type="checkbox"/> ANY AUTO                                                              |                                                     |                    |                         |                         | BODILY INJURY (Per person) \$                                                          |
|          | <input type="checkbox"/> ALL OWNED AUTOS                                                                  | <input type="checkbox"/> SCHEDULED AUTOS            |                    |                         |                         | BODILY INJURY (Per accident) \$                                                        |
|          | <input checked="" type="checkbox"/> HIRED AUTOS                                                           | <input checked="" type="checkbox"/> NON-OWNED AUTOS |                    |                         |                         | PROPERTY DAMAGE (Per accident) \$                                                      |
|          |                                                                                                           |                                                     |                    |                         |                         | Comp/Coll Deductible \$ 1,000                                                          |
| C        | <input checked="" type="checkbox"/> UMBRELLA LIAB                                                         | <input checked="" type="checkbox"/> OCCUR           | M00552835          | 12/31/2013              | 12/31/2014              | EACH OCCURRENCE \$ 5,000,000                                                           |
|          | <input type="checkbox"/> EXCESS LIAB                                                                      | <input type="checkbox"/> CLAIMS-MADE                |                    |                         |                         | AGGREGATE \$ 5,000,000                                                                 |
|          | DED                                                                                                       | RETENTION \$                                        |                    |                         |                         | \$                                                                                     |
| D        | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY                                                             |                                                     | WCC-Z91-451053-013 | 12/31/2013              | 12/31/2014              | <input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER |
|          | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)                               | Y/N                                                 |                    |                         |                         | E.L. EACH ACCIDENT \$ 1,000,000                                                        |
|          | If yes, describe under DESCRIPTION OF OPERATIONS below                                                    | N/A                                                 |                    |                         |                         | E.L. DISEASE - EA EMPLOYEE \$ 1,000,000                                                |
|          |                                                                                                           |                                                     |                    |                         |                         | E.L. DISEASE - POLICY LIMIT \$ 1,000,000                                               |

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

RE: MS WALK

CITY OF NEWBURYPORT IS ADDED AS ADDITIONAL INSURED EXCLUDING WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY POLICY.

## CERTIFICATE HOLDER

CITY OF NEWBURYPORT  
60 PLEASANT STREET  
NEWBURYPORT, MA 01950

## CANCELLATION

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

AUTHORIZED REPRESENTATIVE  
of Marsh USA Inc.

Manashi Mukherjee

*Manashi Mukherjee*

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# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
01/09/2014

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|                                                                                     |                                                      |                        |               |
|-------------------------------------------------------------------------------------|------------------------------------------------------|------------------------|---------------|
| <b>PRODUCER</b><br>MARSH USA, INC.<br>445 SOUTH STREET<br>MORRISTOWN, NJ 07960-6454 | <b>CONTACT NAME:</b>                                 | <b>FAX (A/C, No):</b>  |               |
|                                                                                     | <b>PHONE (A/C, No, Ext):</b>                         | <b>E-MAIL ADDRESS:</b> |               |
| 123456-Stand--13-14<br>BEDFO                                                        | <b>INSURER(S) AFFORDING COVERAGE</b>                 |                        | <b>NAIC #</b> |
|                                                                                     | INSURER A: Federal Insurance Company                 |                        | 20281         |
|                                                                                     | INSURER B: Great Northern Insurance Company          |                        | 20303         |
|                                                                                     | INSURER C: ACE Property & Casualty Insurance Company |                        | 20699         |
|                                                                                     | INSURER D: Employers Insurance Company Of Wausau     |                        | 21458         |
|                                                                                     | INSURER E:                                           |                        |               |
| INSURER F:                                                                          |                                                      |                        |               |

**COVERAGES** **CERTIFICATE NUMBER:** NYC-006789553-01 **REVISION NUMBER:** 1

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                                                                                         |                |     | 3583-33-49         | 12/31/2013              | 12/31/2014              | EACH OCCURRENCE \$ 1,000,000                                                           |
|          | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY                                          |                |     |                    |                         |                         | DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000                                 |
|          | <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR                            |                |     |                    |                         |                         | MED EXP (Any one person) \$ 10,000                                                     |
|          |                                                                                                           |                |     |                    |                         |                         | PERSONAL & ADV INJURY \$ 1,000,000                                                     |
|          |                                                                                                           |                |     |                    |                         |                         | GENERAL AGGREGATE \$ 2,000,000                                                         |
|          |                                                                                                           |                |     |                    |                         |                         | PRODUCTS - COMP/OP AGG \$ 1,000,000                                                    |
|          | GEN'L AGGREGATE LIMIT APPLIES PER:                                                                        |                |     |                    |                         |                         | \$                                                                                     |
|          | <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC |                |     |                    |                         |                         |                                                                                        |
| B        | AUTOMOBILE LIABILITY                                                                                      |                |     | (12)7353-02-37     | 12/31/2013              | 12/31/2014              | COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000                                       |
|          | <input checked="" type="checkbox"/> ANY AUTO                                                              |                |     |                    |                         |                         | BODILY INJURY (Per person) \$                                                          |
|          | <input checked="" type="checkbox"/> ALL OWNED AUTOS                                                       |                |     |                    |                         |                         | BODILY INJURY (Per accident) \$                                                        |
|          | <input checked="" type="checkbox"/> HIRED AUTOS                                                           |                |     |                    |                         |                         | PROPERTY DAMAGE (Per accident) \$                                                      |
|          |                                                                                                           |                |     |                    |                         |                         | Comp/Coll Deductible \$ 1,000                                                          |
| C        | <input checked="" type="checkbox"/> UMBRELLA LIAB                                                         |                |     | M00552835          | 12/31/2013              | 12/31/2014              | EACH OCCURRENCE \$ 5,000,000                                                           |
|          | <input type="checkbox"/> EXCESS LIAB                                                                      |                |     |                    |                         |                         | AGGREGATE \$ 5,000,000                                                                 |
|          | <input type="checkbox"/> CLAIMS-MADE                                                                      |                |     |                    |                         |                         | \$                                                                                     |
|          | DED <input type="checkbox"/> RETENTION \$                                                                 |                |     |                    |                         |                         |                                                                                        |
| D        | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY                                                             |                |     | WCC-Z91-451053-013 | 12/31/2013              | 12/31/2014              | <input checked="" type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER |
|          | ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)                               |                |     |                    |                         |                         | E.L. EACH ACCIDENT \$ 1,000,000                                                        |
|          | If yes, describe under DESCRIPTION OF OPERATIONS below                                                    |                | N/A |                    |                         |                         | E.L. DISEASE - EA EMPLOYEE \$ 1,000,000                                                |
|          |                                                                                                           |                |     |                    |                         |                         | E.L. DISEASE - POLICY LIMIT \$ 1,000,000                                               |

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

CITY OF NEWBURYPORT IS ADDED AS ADDITIONAL INSURED EXCLUDING WORKERS' COMPENSATION AND EMPLOYERS' LIABILITY POLICY.

## CERTIFICATE HOLDER

CITY OF NEWBURYPORT  
60 PLEASANT STREET  
NEWBURYPORT, MA 01950

## CANCELLATION

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

AUTHORIZED REPRESENTATIVE  
of Marsh USA Inc.

Manashi Mukherjee

*Manashi Mukherjee*

City OF NewburyportRECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MAAPPLICATION FOR A LICENSE TO BUY, SELL, ~~EXCHANGE~~ 12:56  
OR ASSEMBLE SECOND HAND MOTOR VEHICLES  
OR PARTS THEREOF

I, the undersigned, duly authorized by the concern herein mentioned, hereby apply for a CLASS II 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? Chanard Limousine Sales, Inc.

Business address of concern. No. 18 Center Street 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.

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

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

President Thomas H. Hoare, Jr.

Secretary Mary A. Hoare

Treasurer Thomas H. Hoare, Jr.

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.

Office is located on 2<sup>nd</sup> floor of 18 Center St  
No vehicles are on display  
Wholesale only at auctions

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?

No

(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, MASS

Did you receive a license?

Yes

(Yes or No)

For what year?

Every year since 1984

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

(Duly authorized to represent the concern herein mentioned)

Residence 10 Coffin St, 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)

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

January 13, 2014

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED TRAFFIC AND MOTOR VEHICLES

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

|                |                                       |
|----------------|---------------------------------------|
| Chapter 13     | Traffic and Motor Vehicles            |
| Article 4      | Specific Street Schedules             |
| Division 6     | Stopping, Standing and Parking        |
| Section 13-168 | Parking restricted on certain streets |

*Amend:*

No person shall park any vehicle on the following streets or portions of streets as indicated below:

| Street      | Extent                                                                                                                                                                                 |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Fair Street | No parking for a distance of six feet on the northerly side and the southerly side of the exit from the Sullivan Building parking lot located at the corner of Temple and Fair Street. |

Councillor Jared J. Eigerman

R to PS  
JE/AM  
AM



Communication #9  
January 13, 2014

## Rotary Club of Newburyport #7780

'Birthplace of the United States Coast Guard'  
Newburyport, Massachusetts 01950

P.O. Box 831

-Chartered May 10, 1923-

Web site: [www.newburyportrotary.org](http://www.newburyportrotary.org)

RECEIVED  
CITY CLERK'S OFFICE  
NEWBURYPORT, MA

2014 JAN -6 A 11:30

January 5th, 2014

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

Dear City Clerk Jones:

On behalf of the Rotary Club of Newburyport, I would like to respectfully request permission from the Newburyport City Council to hold the 21<sup>st</sup> Annual Newburyport Rotary Frigid Fiver 5 Mile Road Race on Sunday, February 2, 2014 at 12:00 Noon.

The race begins at Michael's Harborside, 1 Tournament Wharf, Newburyport, MA. The racecourse is as follows:

Straight on High Street  
Right on Spofford Street  
Right on Merrimac St.  
Right on Kent Street  
Left on Washington Street  
Left on Rail Trail

The race takes approximately three hours. Marshal Thomas Howard is a Newburyport Rotarian and has full knowledge of the race and will be involved with the race day logistics and planning.

The Rotary Club of Newburyport has been active part of the Newburyport community for 187 years. We have a long-standing tradition of community service and as thus every year we donate more than \$20,000 to local community organizations and non-profits. This road race is one of our major fundraising events and helps us to continue our long-standing tradition.

We thank you in advance for your cooperation and consideration of our request.

Sincerely,

Cindy Johnson  
President

pebe to ps  
EC/CT