

CITY COUNCIL MEETING AGENDA - VERSION 1
CITY COUNCIL CHAMBERS
September 26, 2016

7:30PM

(Sound Check)

1. **MOMENT OF SILENCE**
2. **PLEDGE OF ALLEGIANCE**
3. **CALL TO ORDER**
4. **LATE FILE ITEMS Mayor's Update**
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**

September 12, 2016

(Approve)

8. **TRANSFERS**

9. **COMMUNICATIONS**

- **COMM090_09_26_16** American Cancer Society - Tent in Market Square

(PS)

10. **APPOINTMENTS**

Re-Appointments

- | | | | | |
|---------------------------|---------------------|--------------------|--------------|----------|
| • APPT066_09_26_16 | Susan Chase | 44 Oak St | Emma Andrews | 10/30/17 |
| • APPT067_09_26_16 | Donna Conway | 27 Marlboro St | Emma Andrews | 10/30/17 |
| • APPT068_09_26_16 | Aine G. Ellrott | 43 Purchase St | Emma Andrews | 10/30/17 |
| • APPT069_09_26_16 | Elizabeth Valeriani | 29 Oak St | Emma Andrews | 10/30/17 |
| • APPT070_09_26_16 | Elizabeth L. Watson | 53 Warren St, #315 | Emma Andrews | 10/30/17 |

END OF CONSENT AGENDA
REGULAR AGENDA

11. **MAYOR'S UPDATE**

12. **APPOINTMENTS**

13. **ORDERS**

- **ORDR078_09_26_16** Titcomb Street Order
- **ORDR079_09_26_16** Movie Location Order

14. ORDINANCES

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- ORDR009_02_08_16 Increase Fees for Fire Dept.
- ORDR010_02_08_16 Increase Fines Parking Violations
- ORDR002_01_25_16 Accept Gift of \$25,000 Repairing Brown's Wharf Culvert (COTW)
- ORDR039_05_31_16 Increase Hourly Parking Rate to \$1.50
- ODNC016_09_12_16 Plum Island Utility Fund
- ORDR076_09_12_16 Supplemental Budget Request #1

General Government

In Committee:

- COMM063_06_13_16 Letter from Abutters of the I-95 Project

Joint Education

License & Permits

In Committee:

- COMM010_01_25_16 Licensing Commission Acoustic & Amplified Entertainment
- ODNC011_05_31_16 Amend Transient Vendors for Cashman (COTW)
- ODNC013_07_11_16 Amend Outdoor Seating (Two Year Renewals)

Neighborhoods and City Services

In Committee:

- ODNC001_01_11_16 Amend Ch11 Parks and Recreation (COTW)
- ORDR048_06_13_16 Sidewalk Order
- COMM081_08_08_16 Marquand Lane Letter re: Tow Truck
- ORDR075_09_12_16 Resolution on Boyd Drive Development

Planning & Development

In Committee:

- COMM020_02_08_16 Memo re: Hiring Process for Building Commissioner
- ORDR055_06_27_16 Order re: Surplus Property – WWTP
- COMM076_07_11_16 LATE FILE Boyd Drive Petition
- ODNC014_08_08_16 Zoning Amend Sidewalks/Trees Sec XI-K et al

Public Safety

In Committee:

- COMM063_06_13_16 Letter from Abutters of the I-95 Project
- COMM081_08_08_16 Marquand Lane Letter re: Tow Truck
- ORDR067_08_29_16 Hillside Ave, Cottage Ct – Resident Parking
- ORDR068_08_29_16 High Street – Resident Parking
- ORDR071_08_29_16 Blind Person Sign

- **ODNC015_08_29_16** 25 MPH Speed Zones
- **ORDR077_09_12_16** Parking Restricted on Daniel Lucy Way

Public Utilities

In Committee:

- **COMM060_05_31_16** Mobilitie, LLC Highway Access Permit
- **ODNC012_05_31_16** Amend Sign Ordinance Chapter 12.3 et al
- **ORDR075_09_12_16** Resolution on Boyd Drive Development
- **ODNC016_09_12_16** Plum Island Utility Fund

Rules Committee

In Committee:

17. GOOD OF THE ORDER

18. EXECUTIVE SESSION

19. ADJOURNMENT

CONSENT AGENDA

CITY COUNCIL MEETING MINUTES
CITY COUNCIL CHAMBERS
September 12, 2016

7:30PM

The City Council President, Thomas O'Brien, called the meeting to order at 7:30pm. A moment of silence was held for Joyce Bothwell and for the victims on 9/11, followed by the Pledge of Allegiance. The City Council President then instructed the City Clerk to call the roll. The following Councillors answered present: Earls, Giunta, Tontar, Vogel, Zeid, Cameron, Connell, Cronin, O'Brien. 9 Present, 2 Absent (JE, JD).

(Sound Check)

- 1. MOMENT OF SILENCE**
- 2. PLEDGE OF ALLEGIANCE**
- 3. CALL TO ORDER**
- 4. LATE FILE ITEMS Mayor's Update**
- 5. PUBLIC COMMENT**

1. AnnMarie Vega	21 Boyd Drive	Resolution Boyd Drive
2. Stephen Blanchette	23 Boyd Drive	Resolution Boyd Drive
3. Michele Rogers	11 Boyd Drive	Resolution Boyd Drive
4. John Rogers	11 Boyd Drive	Resolution Boyd Drive
5. Peter Hatcher	15 Boyd Drive	Resolution Boyd Drive
6. Michael Lee	1 Boyd Drive	Resolution Boyd Drive
7. Stephanie Strout	7 Boyd Drive	Resolution Boyd Drive
8. Christi Dillon	113 Ferry Road	Resolution Boyd Drive
9. Dan Koen	16 Boyd Drive	Resolution Boyd Drive
10. Amy Halliday	4 Laurel Road	Resolution Boyd Drive
11. Mary Ellen Vesprini	76 Pleasant St	Resolution Boyd Drive
12. Buck Woo	14 Boyd Drive	Resolution Boyd Drive
13. Colleen Yavarow	13 Boyd Drive	Resolution Boyd Drive

6. MAYOR'S COMMENT

The mayor gave an update pursuant to her written communication.

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

August 29, 2016

(Approve)

8. TRANSFERS

9. COMMUNICATIONS

- **COMM089_09_12_16** Ltr RE: Animal Control daily log
Motion to remove from the Consent Agenda by Councillor Vogel. Motion to receive and file by Councillor Vogel, seconded by Councillor Cameron. So voted.

10. APPOINTMENTS

END OF CONSENT AGENDA REGULAR AGENDA

Motion to approve the Consent Agenda as amended by Councillor Zeid, seconded by Councillor Cameron. So voted.

11. MAYOR'S UPDATE

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

12. COMMUNICATIONS

13. APPOINTMENTS

Second Reading

Motion to approve second reading appointments collectively by Councillor Cameron, seconded by Councillor Zeid. Roll call vote, 9 Yes. Motion passed.

Appointments

- | | | | | |
|--------------------|-------------------|--------------|-----------------|-----------|
| • APPT063_08_29_16 | Renee Bourdeau | 376 High St | ZBA | 03/1/2020 |
| • APPT064_08_29_16 | Constance Preston | 18 Atwood St | Tree Commission | 10/1/2017 |

Re-Appointments

- | | | | | |
|--------------------|-------------------|------------|-----------------------|-----------|
| • APPT065_08_29_16 | Byron M. Getchell | 14 Milk St | Tree Commission (alt) | 05/1/2019 |
|--------------------|-------------------|------------|-----------------------|-----------|

14. ORDERS

- **ORDR075_09_12_16** Resolution on Boyd Drive Development
Motion to refer to Neighborhood & City Services and Public Utilities by Councillor Connell, seconded by Councillor Cronin. So voted.
- **ORDR076_09_12_16** Supplemental Budget Request #1
Motion to refer to Budget & Finance by Councillor Tontar, seconded by Councillor Vogel. So voted.
- **ORDR077_09_12_16** Parking Restricted on Daniel Lucy Way
Motion to refer to Public Safety by Councillor Cameron, seconded by Councillor Zeid. So voted.

15. ORDINANCES

- **ODNC016_09_12_16** Plum Island Utility Fund
Motion to refer to Budget & Finance and Public Utilities by Councillor Tontar, seconded by Councillor Vogel. So voted.

16. COMMITTEE ITEMS

Budget & Finance

In Committee:

- **ORDR009_02_08_16** Increase Fees for Fire Dept.
- **ORDR010_02_08_16** Increase Fines Parking Violations
- **ORDR002_01_25_16** Accept Gift of \$25,000 Repairing Brown's Wharf Culvert (COTW)

- **ORDR039_05_31_16** Increase Hourly Parking Rate to \$1.50
- **COMM088_08_29_16** FY2016 Year-End Financial Report
Motion to remove from Budget & Finance by Councillor Tontar, seconded by Councillor Zeid. Motion to receive and file by Councillor Tontar, seconded by Councillor Cameron. So voted.

General Government

In Committee:

- **COMM063_06_13_16** Letter from Abutters of the I-95 Project

Joint Education

License & Permits

In Committee:

- **COMM010_01_25_16** Licensing Commission Acoustic & Amplified Entertainment
- **ODNC011_05_31_16** Amend Transient Vendors for Cashman (COTW)
- **ODNC013_07_11_16** Amend Outdoor Seating (Two Year Renewals)
- **ORDR063_08_08_16** ACO Contract with W Newbury & Nbpt Extension to June 30, 2017
Motion to remove from License & Permits by Councillor Vogel, seconded by Councillor Zeid. Motion to approve by Councillor Vogel, seconded by Councillor Tontar. So voted.
- **COMM084_08_29_16** Ltr RE: Amp Music Downtown, T. Stewart
Motion to remove from License & Permits by Councillor Vogel, seconded by Councillor Cameron. Motion to receive and file by Councillor Vogel, seconded by Councillor Tontar. So voted.

Neighborhoods and City Services

In Committee:

- **ODNC001_01_11_16** Amend Ch11 Parks and Recreation (COTW)
- **ORDR048_06_13_16** Sidewalk Order
- **COMM081_08_08_16** Marquand Lane Letter re: Tow Truck

Planning & Development

In Committee:

- **COMM020_02_08_16** Memo re: Hiring Process for Building Commissioner
- **ORDR055_06_27_16** Order re: Surplus Property – WWTP
- **COMM076_07_11_16** **LATE FILE** Boyd Drive Petition
- **ODNC014_08_08_16** Zoning Amend Sidewalks/Trees Sec XI-K et al
- **ORDR073_08_29_16** Kelley School Preservation Restriction
Motion to remove from Planning & Development by Councillor Cameron, seconded by Councillor Tontar. Motion to approve by Councillor Cameron, seconded by Councillor Tontar. So voted.
- **ORDR074_08_29_16** Kelley School P&D Committee Certificate of Vote
Motion to remove from Planning & Development and waive the rules by Councillor Cameron, seconded by Councillor Tontar. Motion to approve by Councillor Cameron, seconded by Councillor Tontar. Roll call vote, 9 yes (2 absent: JE, JD). Motion passed.

Public Safety

In Committee:

- **COMM063_06_13_16** Letter from Abutters of the I-95 Project
- **COMM081_08_08_16** Marquand Lane Letter re: Tow Truck
- **COMM085_08_29_16** Walk for Kenyan Girls' Education
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Zeid. Motion to approve by Councillor Cronin, seconded by Councillor Zeid. So voted.
- **COMM086_08_29_16** Walk for the Poor
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Tontar. Motion to approve by Councillor Cronin, seconded by Councillor Tontar. So voted.
- **ORDR067_08_29_16** Hillside Ave, Cottage Ct – Resident Parking
- **ORDR068_08_29_16** High Street – Resident Parking
- **ORDR069_08_29_16** Hancock St, Chestnut St – Parking Restrictions
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Tontar. Motion to approve by Councillor Cronin, seconded by Councillor Tontar. So voted.
- **ORDR070_08_29_16** Bus Stop @ Water and Charles Streets Moved
Motion to remove from Public Safety by Councillor Cronin, seconded by Councillor Zeid. Motion to approve by Councillor Cronin, seconded by Councillor Zeid. So voted.
- **ORDR071_08_29_16** Blind Person Sign
- **ODNC015_08_29_16** 25 MPH Speed Zones

Public Utilities

In Committee:

- **COMM060_05_31_16** Mobilitie, LLC Highway Access Permit
- **ODNC012_05_31_16** Amend Sign Ordinance Chapter 12.3 et al

Rules Committee

In Committee:

17. GOOD OF THE ORDER

18. EXECUTIVE SESSION

Motion to go into executive session for the purpose of discussing the purchase of real estate by Councillor Tontar, seconded by Councillor Cameron. So voted. The President noted the Council would not be coming back into session. 8:30pm.

19. ADJOURNMENT

Motion to adjourn by Councillor Vogel, seconded by Councillor Tontar. So voted. 9:15pm.

TRANSFERS

COMMUNICATIONS



ENVISION
DIGITAL

Kham Inthirath

President and Founder of Envision Digital Group

20 Franklin Street, Suite 100
Worcester, MA 01608
508-713-0131
info@envisiondigitalgroup.com

September 15, 2016

Newburyport City Council
60 Pleasant Street
Newburyport, MA 01950

Dear President and Members of the City Council,

This year I have been selected as one of the representatives in the American Cancer Society's "Real Men Wear Pink" campaign. This is the first time Massachusetts has been selected to participate in the Real Men Wear Pink campaign, and we're trying to make sure that Massachusetts sets the pace nationally for this effort. Together, my business and I will be working to raise money for this campaign throughout September and October. We are very honored and excited to be a part of this cause, and were hoping that you would be willing to assist us in making it a huge success.

We are planning to set up a tent and table where participants would pay to play a carnival game. Winners would be entered into a raffle to win a prize and all proceeds would go directly to the American Cancer Society. The tent and table would be set up in Newburyport Market Square on October 14 from 4-7:30.

We hope you consider our proposal and help us to make a difference for those everywhere whom cancer has affected. A local effort in your city will help to make the Real Men Wear Pink cause a success nationwide.

Sincerely yours,

Kham Inthirath

**APPOINTMENTS
FIRST READING**



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR
DONNA D. HOLADAY, MAYOR

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA

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

978-465-4413 PHONE
978-465-4402 FAX

2016 SEP 19 P 1:36

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: September 19, 2016
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Emma Andrews Branch Library Commission. This term will expire on October 30, 2017.

Susan Chase
44 Oak Street
Newburyport, MA 01950



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

60 PLEASANT STREET - P.O. Box 550
NEWBURYPORT, MA 01950
978-465-4413 PHONE
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RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2016 SEP 19 P 1:36

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: September 19, 2016
Subject: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Emma Andrews Branch Library Commission. This term will expire on October 30, 2017.

Donna Conway
27 Marlboro Street
Newburyport, MA 01950



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

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

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

2016 SEP 19 P 1:36

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: September 19, 2016
Subject: Re-Appointment

Donna D. Holaday

I hereby re-appoint, subject to your approval, the following named individual as a member of the Emma Andrews Branch Library Commission. This term will expire on October 30, 2017.

Aine G. Ellrott
43 Purchase
Newburyport, MA 01950



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

RECEIVED
CLERK'S OFFICE
NEWBURYPORT, MA

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

978-465-4413 PHONE

978-465-4402 FAX

2016 SEP 19 P 1:36

To: President and Members of the City Council

From: Donna D. Holaday, Mayor

Date: September 19, 2016

Re: Re-Appointment

I hereby re-appoint, subject to your approval, the following named individual as a member of the Emma Andrews Branch Library Commission. This term will expire on October 30, 2017.

Elizabeth Valeriani
29 Oak Street
Newburyport, MA 01950



CITY OF NEWBURYPORT

OFFICE OF THE MAYOR

DONNA D. HOLADAY, MAYOR

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA

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

978-465-4413 PHONE

978-465-4402 FAX

2016 SEP 19 P 2:53

To: President and Members of the City Council
From: Donna D. Holaday, Mayor
Date: September 19, 2016
Subject: Re-Appointment

I hereby reappoint, subject to your approval, the following named individual as a member of the Emma Andrews Branch Library Commission. This term will expire on October 30, 2017.

Elizabeth L. Watson
53 Warren Street, Unit 315
Newburyport, MA 01950

**END OF CONSENT AGENDA
BEGINNING OF REGULAR AGENDA**

**APPOINTMENTS
SECOND READING**

ORDERS

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 26, 2016

**AN ORDER RELATING TO SITE ACQUISITION FOR THE INTERMODAL
TRANSIT PARKING FACILITY**

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

1. Appraisal

- a. The City Council hereby specially appropriates the sum of up to ten-thousand dollars (\$10,000) from the Downtown Paid Parking Fund to defray the cost to obtain an updated, accurate, and complete appraisal, based upon the requirements and guidelines of the current Uniform Standards of Professional Appraisal Practice, the requirements of the Code of Professional Ethics, and the Standards of Professional Appraisal Practice of the Appraisal Institute, of the fair market value of those two certain parcels of real property commonly known as 90 Pleasant Street (Assessor's Parcel 47-34) and 81-83 Merrimac Street (Assessor's Parcel 47-38), both located in Newburyport, and together having a total area of approximately 36,610 square feet (together, the "Site").
- b. Pursuant to Section 2-249 of the Newburyport Code, the City Council hereby directs the City Solicitor to engage the firm of Colliers International to undertake such appraisal, and to cause a complete copy of such appraisal to be delivered to the City Council, care of the Office of the City Clerk, no later than 5:00 p.m. Eastern Daylight Time, on Tuesday, October 4, 2016.
- c. To protect the interests of the inhabitants of the City of Newburyport, such appraisal may be kept confidential to the extent permitted by law.

2. Title Examination

- a. Pursuant to Section 2-249 of the Newburyport Code, the City Council hereby directs the City Solicitor to prepare a title examination of the Site, including, without limitation, a complete list of all liens or encumbrances on title, and to cause a complete copy of such title examination to be delivered to the City

Council, care of the Office of the City Clerk, no later than 5:00 p.m. Eastern Daylight Time, on Tuesday, October 4, 2016.

- b. To protect the interests of the inhabitants of the City of Newburyport, such title examination may be kept confidential to the extent permitted by law.

Councillor Jared J. Eigerman

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

Date: September 26, 2016

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

Whereas, the City of Newburyport has, on occasion, the need to enter into a Location Agreement with a Producer of Film for Movies of both a Commercial and Fine Art nature, and

Whereas, the Location Agreement may contain the requirement to establish a 'No Parking' area and, in certain circumstances, close the public way to traffic for a period of time, or use other public property such as Parks, buildings or other space owned by the City of Newburyport, and

NOW, THEREFORE the City Council of the City of Newburyport hereby approves and authorizes the Parking Clerk to close said way or other space provided the Superintendent of Public Ways, the Fire Chief and the Marshall approve of same, and in the case of other property additional approval by the City official charged with controlling that property; provided the proposed Location Agreement is voted on and approved by simple majority of the City Council.

Further, provided that the Location Agreement be accompanied by a list of areas, streets, parks or other public property to be used, a time schedule for their use and an insurance binder of not less than \$1,000,000.00 is provided with the City of Newburyport named as an insured.

Further, any business, restaurant, retail establishment or dwelling house that is impacted by this agreement shall be provided with sufficient notice by the Producer or his designee prior filming.

Further, the City of Newburyport shall be reimbursed for all reasonable expenses incurred during production and be further compensated in the Location Agreement at a rate of 25% of the gross budget of the production or \$20,000.00 whichever is deemed the lesser.

Submitted,
Councillor Robert J. Cronin
Ward 3

COMMITTEE ITEMS

BUDGET & FINANCE COMMITTEE ITEMS

1. **ORDR076_09_12_16** – Supplemental Budget Request #1
2. **ODNC016_09_12_16** – Plum Island Utility Fund (with Public Utilities)

bat

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

September 12, 2016

THAT the City Council of the City of Newburyport approves the Mayor's Fiscal Year 2017 **Supplemental Budget Request #1** in the total amount of **\$12,532.88**.

General Fund:	\$10,190.57
Water Enterprise Fund:	\$1,171.15
Sewer Enterprise Fund:	\$1,171.16

Councilor Charles F. Tontar



DONNA D. HOLADAY
60 PLEASANT STREET • P.O. BOX 550
NEWBURYPORT, MA 01950
(978) 465-4413 • (978) 465-4402 (FAX)
WWW.CITYOFNEWBURYPORT.COM

To: President and Members of the City Council
From: Donna D. Holaday
Date: September 12, 2016
Subject: Supplemental Budget Request #1

At the conclusion of the FY17 budget approval process there remained \$18,685 in unallocated estimated general fund revenue. My Supplemental Budget Request #1 utilizes \$10,191 of the unallocated general fund revenue, as well as, \$1,171 from water enterprise fund receipts and \$1,171 from sewer enterprise fund receipts.

Since the approval of the FY17 budget, we have renewed and extended two department head contracts and performed a market analysis on a third position. Accordingly, I respectfully request the following items as a Supplemental Budget Request:

- Human Resources Director
Amount: \$5,069.42
Rationale: To bring the salary closer to market level.
- Fire Chief
Amount: \$3,950.00
Rationale: To align stipends with City Marshal contract.
- DPS Director
Amount: \$3,513.46
Rationale: To raise salary, extend contract.

The Supplemental Budget Request totals \$12,532.88 which, as mentioned above, will be covered by unallocated revenue from the FY17 budget process. I look forward to discussing the funding needs in further detail when this request is referred to the Budget and Finance Committee for their review.

Thank you for your consideration.

BoF / P

CITY OF NEWBURYPORT



IN CITY COUNCIL

ORDERED:

AN ORDINANCE ESTABLISHING THE PLUM ISLAND UTILITY FUND

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

Chapter 2 Administration
Article VI Finance

Sec. 2-393 – Establishment of the Plum Island Utility Fund

- a) There is hereby established a trust fund known as the Plum Island Water/Sewer Utility Fund ("Plum Island Utility Fund").
- b) The Plum Island Utility Fund shall consist of the City of Newburyport's share of proceeds from the settlement agreement between the Commonwealth of Massachusetts and CDM Smith Inc.
- c) The City hereby established this Plum Island Utility Fund under the provisions of paragraph 2 of section III of the CDM Smith Inc. Settlement Agreement. Accordingly, the Plum Island Utility Fund shall be ONLY be used to pay costs and expenses arising from or related to the Plum Island Water/Sewer Utility Project ("Project"), including but not limited to the repair, modification, improvements, or optimization of the Project, and reimbursement of the City of Newburyport's insurers, including the MIIA Property & Casualty Group, Inc. ("MIIA") on terms arranged by the City of Newburyport.
- d) Appropriations from this fund shall be made at the recommendation of the Mayor with the approval of a two-thirds vote of the City Council.
- e) This section is adopted pursuant to section 5B, chapter 40 of Massachusetts General Law.

Submitted:

Councillor Charles F. Tontar
Chair, Budget & Finance Committee

NEIGHBORHOOD & CITY SERVICES COMMITTEE ITEMS

- **COMM081_08_08_16** Marquand Lane Letter re: Tow Truck

Tom,

I am writing you to raise a concern that is in my neighborhood (Marquand Lane).

For well over a year my next-door neighbor brings home his 24-foot flatbed tow truck (with Happy Hooker written on the side) and is and out all hours of the night if he is on call. Recently the truck remains parked at the residence 24/7 and sometimes there are 2 trucks parked on the street.

RECEIVED
CITY CLERK'S OFFICE
NEWBURYPORT, MA
2016 AUG 5 3 A 9:47

In the winter when he leaves the truck parked on the street, it interferes with the snowplows. When the plows have to go around the Happy Hooker next door it creates a snow bank 5 feet from the curb in front my house because plows can't make the swing in fast enough.

On the nights he is on call there is excessive truck noise as it backs up, which includes truck doors banging, the beeping of the truck as it backs up, and engine noise.

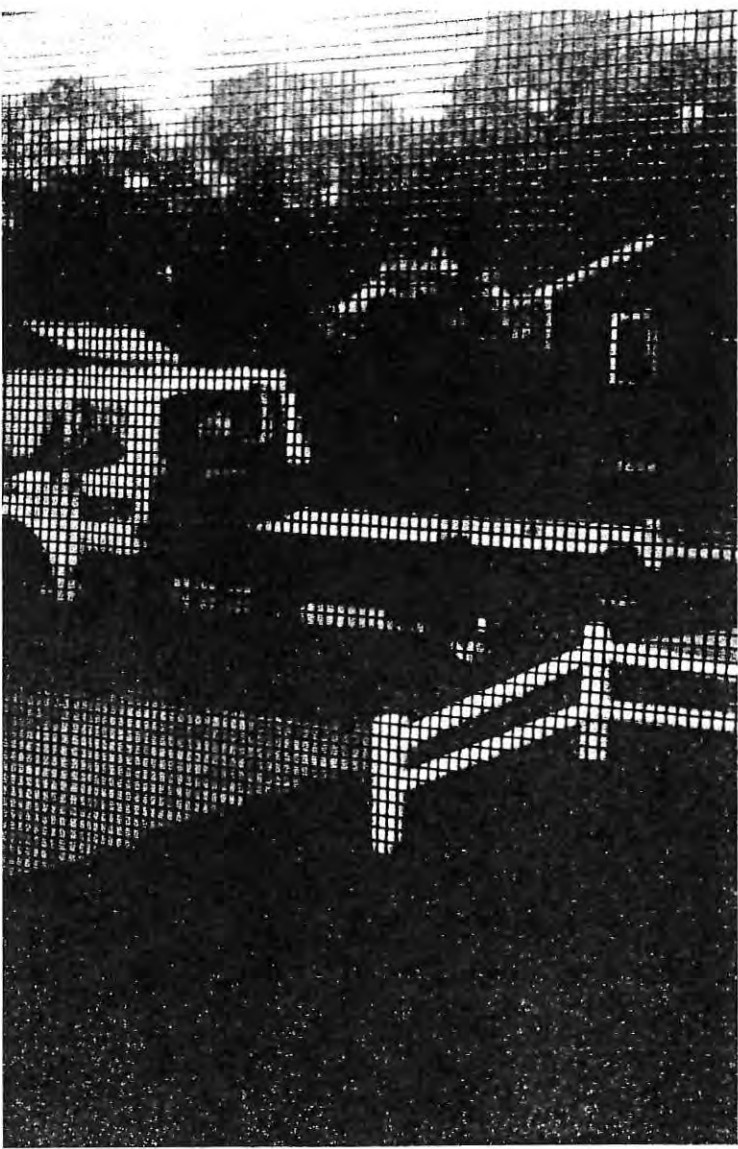
A truck parked in a kid friendly neighborhood with a name Happy Hooker written on the side of it is inappropriate. This is an eye soar and detracts from our property values.

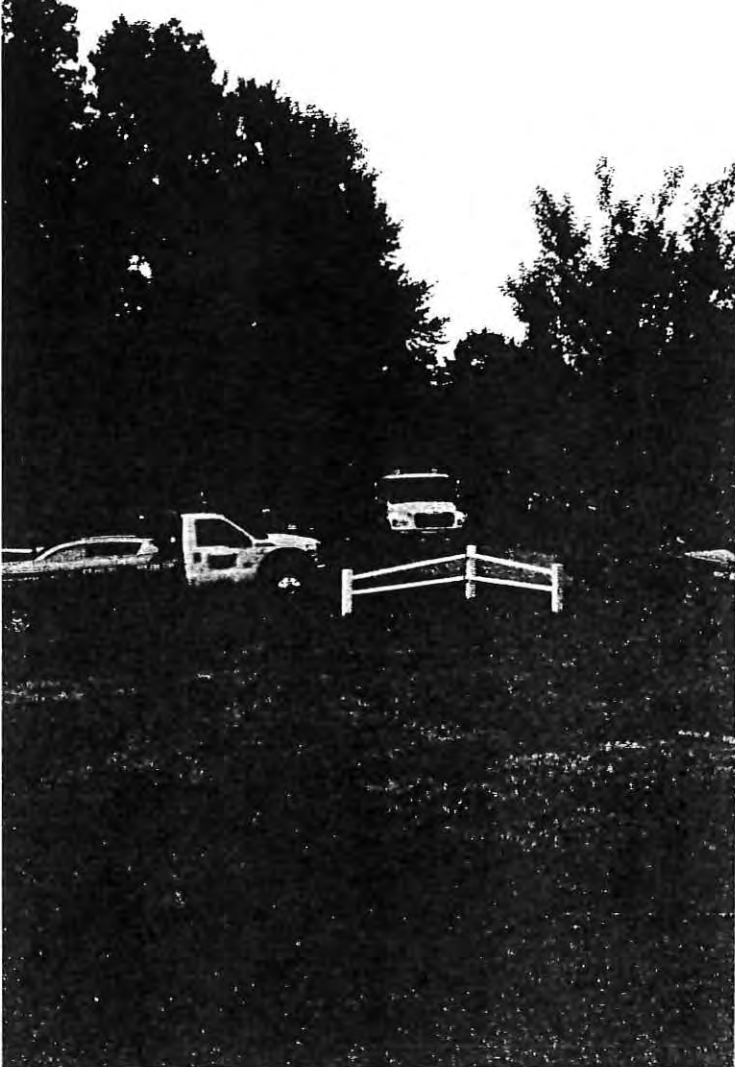
I as well as other neighbors have attempted to discuss this with the property owner to no avail, stating there is no city ordinance.

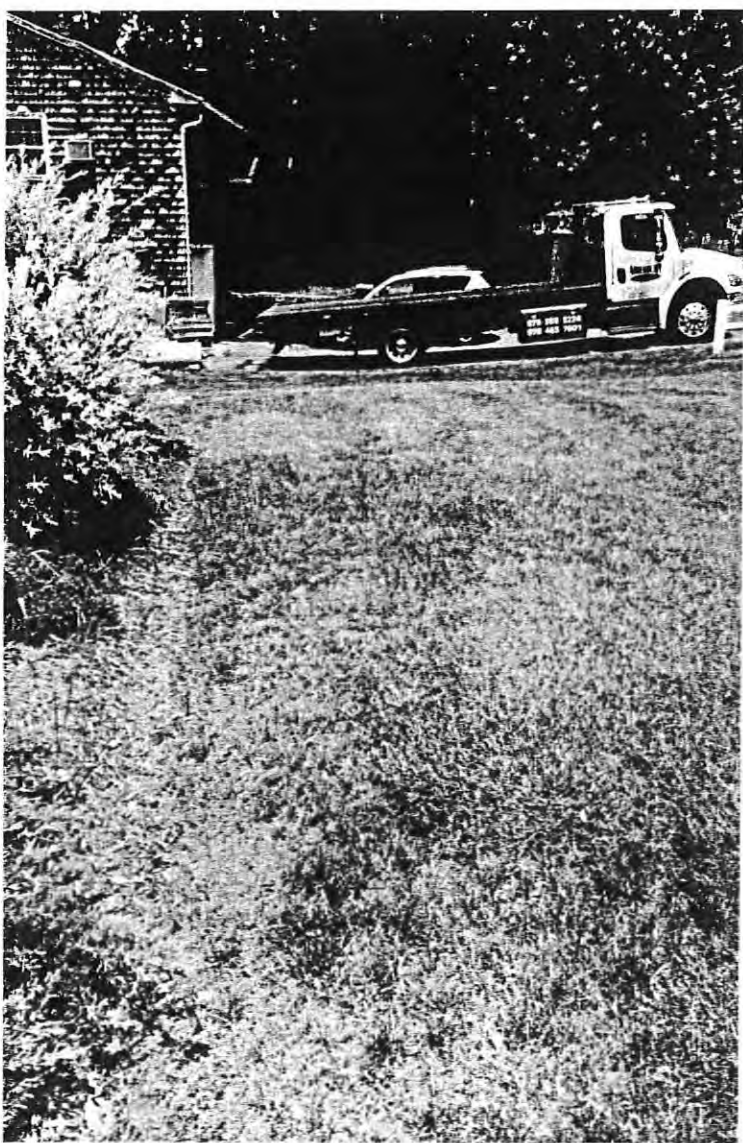
It is shocking that the city of Newburyport has an ordinance against plastic bags but nothing to restrict LARGE commercial vehicles being parked in neighborhoods.

I am asking for your help in making this a city ordinance to preserve our property values.

Thank you, Laurie O'Donnell 978-499-0930 – 29 Marquand Lane
Newburyport







PUBLIC SAFETY COMMITTEE ITEMS

In Committee:

- **ORDR067_08_29_16** Hillside Ave, Cottage Ct – Resident Parking
- **ORDR071_08_29_16** Blind Person Sign



CITY OF NEWBURYPORT

CITY COUNCIL

60 PLEASANT STREET -- P.O. BOX 550
 NEWBURYPORT, MASSACHUSETTS 01950
 978 465 4407

IN CITY COUNCIL:

ORDERED:

Date: August 22, 2016

THAT the CITY COUNCIL of the CITY OF NEWBURYPORT amends the established list of parking restrictions per the Newburyport City Council to include:

Sec. 13-180. - Resident parking.

Preamble. Resident parking zones may be established: (1) where a bona fide hardship exists caused by unique or special conditions; and/or (2) where the city has imposed one- or two- or four- hour parking limits on residential streets bordering commercial zones; and/or (3) where the residents of these residential districts suffer from unreasonable burdens in gaining access to their residences.

ADD Resident Parking only:

Hillside Av
 Cottage Court

Submitted,

Councillor Robert J. Cronin, Public Safety Chair

Refer PS
 RC
 JV

August 24, 2016

AN ORDINANCE TO AMEND CHAPTER 13 (TRAFFIC AND MOTOR VEHICLES) OF THE MUNICIPAL CODE

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 4	Stop and Yield Intersections, Slow Signs
Section 13-139	Signs

Insert the following new row into the table regarding Lafayette Street, as follows, with deletions ~~double-stricken-through~~, and additions double-underlined:

<u>Lafayette</u>	<u>A blind person sign on the northerly and southerly sides of the street</u>
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Councillor Charles F. Tontar

PUBLIC UTILITIES COMMITTEE ITEMS

- **ODNC012_05_31_16** Amend Sign Ordinance Chapter 12.3 et al

ORDERED:

AN ORDINANCE TO AMEND CHAPTER 12 -- STREETS, SIDEWALKS AND OTHER PUBLIC PLACES

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

Chapter 12 Streets, Sidewalks and Other Public Places
Article 1 In General

Amend existing Section 12-1.5 regarding signage, merchandising and beautification on public property, as follows, with deletions ~~italicized and double-stricken-through~~, and additions italicized and double-underlined:

Sec. 12-1.5. - Signage, merchandising and beautification on public ~~property~~ways.

- (a) One (1) A-frame sign ~~and one (1) display of merchandise are~~is allowed on public ways for each public entrance to a lawfully occupied commercial building, and, in addition one (1) display of merchandise is allowed on public ways solely for the primary public entrance to a lawfully occupied commercial building, and, in all cases, subject to the standards and criteria herein.
- (b) All A-frame signs shall be placed ~~within one (1) foot of the building and within four (4) feet of the public entrance~~on the sidewalk directly adjacent to its related building. No A-frame sign shall exceed two (2) feet in width or depth, or four (4) feet in height, ~~nor shall it cover more than four (4) square feet of the sidewalk, measured from any height of such sign. No movable sign shall be attached, affixed, and otherwise secured to the ground, nor to any structure or fixture. The applicant for an A-frame sign under paragraph (f) of this section may petition the city council for relief from~~ In the event that said sign does not meet that ~~above any of these size, movability, and location requirements~~the applicant may petition the city council for relief.
- (c) All merchandise displays shall be placed on the sidewalk directly adjacent to its related building, parallel to and within one (1) foot of an exterior wall of such ~~the~~ building, and with one end located no more than ~~within~~four (4) feet from its related primary of ~~the~~ public entrance. A merchandise display may be placed as multiple objects, or otherwise in segments or pieces, but in no event shall the total width permitted for each primary public entrance exceed eight (8) linear feet in the aggregate. No merchandise display shall extend from the exterior wall of its related building by more than eight (8) feet parallel to the building facade wall or more than four (4) feet into the public way (sidewalk), nor shall any merchandise display exceed five (5) feet in height above the grade of such sidewalk. No merchandise display shall be attached, affixed, and otherwise secured to the ground, nor to any structure or fixture. No merchandise display shall be located within fifteen (15) feet of the intersection of the sidewalk of two streets. The

owner of a proposed merchandise display may petition the city council for relief from any of these size, movability, and location requirements.

- (d) Notwithstanding section 12-4, a merchandise display may include tables and/or clothing racks, however, ~~n~~o merchandise display shall include any tent, stall, booth, or other structure unless such structure is itself merchandise displayed in accordance with this section, or a permit is granted subject to section 12-4.
- (e) Before placing any A-frame sign or merchandise display ~~on public property on a public sidewalk,~~ the owner thereof shall file with the city clerk a ~~wavier~~ release and agreement to hold the City of Newburyport harmless from any and all liability, together with evidence of liability insurance covering the A-frame sign and/or merchandise display, with a minimum limit of one million dollars (\$1,000,000), and naming the City of Newburyport as a co-insured entity. ~~A statement certifying to said liability policy shall be attached to the sign or merchandise display. The applicant shall maintain such insurance in full force and effect at all times that the A-frame sign and/or merchandise display is in place.~~
- (f) To place an A-frame sign in a public way, the applicant shall first obtain a license, by submitting a written application to the city clerk as directed by that official, and pay ~~A~~ ~~annual~~ a biannual licensing fee of one-hundred dollars (\$100.00) per A-frame sign fifty dollars (\$50.00) shall be paid with an application form as specified by the city clerk.
- (g) Provided that the proposed A-frame sign complies with all provisions of this section, the city clerk shall approve each such license applied for a term not to exceed two (2) years from the date of approval. Each licensed A-frame sign shall display upon it the unique license number issued for it by the city clerk, and the date of expiration of the license.
- (h) Flower boxes, planters, or similar items to beautify ~~the property~~ (beautification items) may be placed on the public sidewalk directly adjacent to a lawfully occupied commercial building with~~out~~ the prior, written permission of the city council, provided, however, that that city council may order their removal at any time.
- (i) All A-frame signs, merchandise displays, and beautification items placed on a public sidewalk shall preserve a travel lane along such sidewalk that is at least five (5) feet in width, and shall allow for free and unobstructed passage of pedestrians.
- (j) Enforcement of paragraphs (a) through (i) of this section shall be the responsibility of a city employee designated in writing by the Mayor within the Downtown Overlay District, established under section XXVIII of the zoning ordinance, and of the department of public services for all other locations~~the Newburyport Police Department and/or building commissioner.~~
- (k) Any sign, merchandise display, or beautification item existing unlawfully within a public way shall constitute a trespass upon public property, and may be removed, without prior notice or compensation to its owner, by the city officer charged with enforcement under paragraph (j) of this section.

(l) Each violation of paragraphs (a) through (i) of this section shall be punishable by a fine of one hundred dollars (\$100.00). Each such violation shall be deemed to constitute a separate offense on each day during which it exists after the giving of notice to the violator.

(m) Prosecution of violations of paragraphs (a) through (i) of this section shall be by non-criminal disposition as provided in M.G.L. c. 40, § 21D, as it may be amended from time to time, the provisions of which are incorporated herein by reference.

Table 12-1.5

The following table is intended to serve as a quick-reference guide to the application of section 12-1.5, and does not substitute for the provisions of that section.

<u>Proposed Object in Public Way</u>	<u>City Council Approval?</u>	<u>Permit from City Clerk?</u>	<u>Permit Fee</u>	<u>Max. Permit Duration</u>	<u>Max. Quantity of Object</u>	<u>Max. Dimensions</u>	<u>Permitted Locations</u>
<u>A-Frame Signs*</u>	<u>Not required</u>	<u>Required</u>	<u>\$100.00</u>	<u>2 Years</u>	<u>1 per public entrance to commercial buildings</u>	<u>2' W x 2' D x 4' H, and less than 4 sq. ft. total.</u>	<u>Sidewalk directly adjacent to related building</u>
<u>Merchandise Displays* (tables, clothing racks, or actual merchandise only)</u>	<u>Not required</u>	<u>Not required</u>	<u>N/A</u>	<u>N/A</u>	<u>1 per primary public entrance to commercial buildings</u>	<u>8' W x 4' D x 5' H. May be placed in segments, but aggregate width permitted for each primary public entrance cannot 8'.</u>	<u>Sidewalk directly adjacent to related primary public entrance, parallel to exterior wall, starting within four feet (4') of primary public entrance</u>
<u>Beautification Items (e.g. planters)</u>	<u>Not required</u>	<u>Not required</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>N/A</u>	<u>Sidewalk directly adjacent to a lawfully occupied commercial building</u>

* Exceptions may be granted by City Council on location, size, or movability by written request of applicant.

All A-frame signs, merchandise displays, and beautification items placed on a public sidewalk shall preserve a travel lane along such sidewalks that is at least five (5) feet in width, and shall allow for free and unobstructed passage of pedestrians.